Block, Marian

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WD0596

From: Marian Block[redacted]
Sent: Sunday, August 24, 2008 8:03 AM
To: NBAFProgramManager
Subject: NO Bio lab in Athens georgia

1|25.2; 2|21.2; 3|5.1 Please vote NO about the NBAF here in Athens, Georgia!! I am a mother and wife to a family of 5 and we want to be as safe as possible in everything!! Having this lab in Athens would definitely compromise our safety and well being as well as the entire city of Athens and beyond!!! Keep it on Plum Island or better yet on an uninhibited remote place!!!! The money that would be generated by this is NOT the only thing on our minds!! AND a small risk of an outbreak is enough risk to know that we DO NOT want it here at all!!!! Pass on Athens and you would make our day. My address is [redacted] Georgia, [redacted]

1Cont.|25.2; 2 Cont.|21.2

1Cont.|25.2 Thanks for your time in listening to the "real" concerns on this issue and vote NO, NO, NO!!!!! Sincerely, Marian Block

Comment No: 1 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Comment No: 2 Issue Code: 21.2
DHS notes the commentor's concerns regarding the health and safety of her family. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. As described in Chapter 3 and summarized in Section 2.5 of the NBAF EIS, the impacts of activities during normal operations at any of the six site alternatives would likely be minor. Section 3.14 investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. Appendix B to the EIS describes biocontainment lapses and laboratory acquired infections. Laboratory-acquired infections have not been shown to be a threat to the community at large. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols would be developed, in coordination with local emergency response agencies, that would consider the diversity and density of populations residing within the local area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF.

Comment No: 3 Issue Code: 5.1
DHS notes the commentor's preference for the Plum Island Site Alternative of the alternatives evaluated in the NBAF EIS. As described in Section 2.4.3 of the NBAF EIS.

Blount, Ronald

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CD0406

From: [redacted] on behalf of Ron Blount [redacted]
Sent: Monday, August 25, 2008 2:09 PM
To: NBAFProgramManager
Subject: NBAF in Athens, Georgia

Dear NBAF Program Manager,

1| 25.2 My wife and I are strongly opposed to having NBAF in our community of [redacted] GA. The DEIS discloses an "insectary" where disease-spreading mosquitoes and other "vectors" will be bred. It also discloses that
2| 21.2 any release of pathogen, because of our warm, humid climate, could cause the disease to become permanently established in our community.

We dearly love our community, and do not want to live in constant fear of an impending release of pathogens from
2 cont. | 21.2 this facility. You would literally be building in our back yard, since we drive past that site each day. We would be
3| 23.0 the people immediately affected by a release. How would you respond to such an event? There is no detailed plan for this eventuality.

1 cont. | 25.2 Keep this unwanted facility away from the people of Georgia. Any increase in jobs that the NBAF might bring is not
4| 15.2 worth the threat that accompanies it. Our quality of life and safety are important to us. Do not decrease our security and safety by putting here.

Sincerely,
Ron Blount

Comment No: 1 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Comment No: 2 Issue Code: 21.2
DHS notes the commentor's concerns regarding an accidental release of a vector from the NBAF. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. Section 3.14 and Appendix E of the NBAF EIS, investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts each of which has the potential to release a vector. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release of a vector are low. An analysis of potential consequences of a pathogen (e.g. Rift Valley fever virus) becoming established in native mosquito populations was evaluated in Section 3.8.9 and Section 3.10.9 as well as in Section 3.14 (health and Safety) of the NBAF EIS. DHS would have site-specific Standard Operating Procedures (SOP) and response plans in place prior to the initiation of research activities at the proposed NBAF. The RVF response plan would also include a mosquito control action plan. In addition, oversight of NBAF operations, as described in Section 2.2.2.6 of the NBAF EIS, will be conducted in part by the Institutional Biosafety Committee (IBC), which includes community representative participation, and the APHIS Animal Research Policy and Institutional Animal Care and Use Committee.

Comment No: 3 Issue Code: 23.0
DHS notes the commentor's concern regarding a description of mitigation procedures in the event a pathogen release. Section 3.14 and Appendix E of the NBAF EIS, investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. The specific objective of the hazard identification, accident analysis, and risk assessment is to identify the likelihood and consequences from accidents or intentional subversive acts. In addition to identifying the potential for or likelihood of the scenarios leading to adverse consequences, this analysis provides support for the identification of specific engineering and administrative controls to either prevent a pathogen release or mitigate the consequences of such a release. The risk of an accidental release of a pathogen is extremely low. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols, release mitigation procedures and emergency response plans would be developed, in coordination with local emergency response agencies that would address the effected human, livestock and wildlife populations residing within the impacted area. The need for an evacuation under an accident conditions is considered to be a very low probability event. DHS would have site-specific standard

operating procedures and emergency response plans in place prior to the initiation of research activities at the proposed NBAF. In addition, oversight of NBAF operations, as described in Section 2.2.2.6 of the NBAF EIS, will be conducted in part by the Institutional Biosafety Committee (IBC), which includes community representative participation, and the APHIS Animal Research Policy and Institutional Animal Care and Use Committee.

Comment No: 4 Issue Code: 15.2

DHS notes the commentor's concern. Adverse effects to quality of life resources would not be expected with any of the site alternatives and are discussed in Section 3.10. The potential effects to human health and safety are discussed in Section 3.14. The risks were determined to be low for all site alternatives.

Blount, Ronald

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WD0375

From: [redacted] on behalf of Ron Blount [redacted]
Sent: Tuesday, August 19, 2008 5:18 PM
To: NBAFProgramManager
Subject: NBAF in Athens, Georgia

Dear NBAF Program Manager,

1|25.2 I attended the last two public meetings about the NBAF that were held at the Georgia Center for Continuing Education. I live in [redacted] about [redacted] from the facility. I am move convinced than ever that it is unjustifiable to consider locating the NBAF facility in Georgia.

2|21.2 The Clarke county location under consideration is an environmentally sensitive area which contains multiple means of spreading released pathogens. We have a warm and humid climate and there are many insects, birds, other animals present in that area, as well as a river nearby. Each of these means could serve as agents to spread disease. Some of the diseases that will be housed at the NBAF can infect humans as well as livestock. Eventually, an error that can happen will happen and a release will occur, with disastrous consequences.

3|12.2 The NBAF will also be a substantial drain on natural and utility resources in our drought stricken area. Rainfall has been well below normal in our region for many years, with no end in sight. This year already we are 11 inches below normal. Do not further deplete our limited resources.

The Department of Health and Human Services and the Department of Homeland Security should have as their primary goal to keep the public safe. This facility in fact threatens the health and security of the people of Clarke and Oconee and all of Georgia. To even consider placing it here contradicts your primary goal by in fact threatening the health and security of the people you are pledged to protect.

1 cont.| 25.2 I do not know anyone in my circle of friends and neighbors who wants NBAF in the Athens area. That group includes primarily religiously and politically conservative individuals who love their community. We strongly oppose the NBAF.

Sincerely,

Ronald L. Blount
[redacted]
[redacted] GA [redacted]

Comment No: 1 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Comment No: 2 Issue Code: 21.2
DHS notes the commentor's concerns regarding the risk of a pathogen release. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. Section 3.14 and Appendix E of the NBAF EIS, investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. Appendix B to the EIS describes biocontainment lapses and laboratory acquired infections. Laboratory-acquired infections have not been shown to be a threat to the community at large. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols would be developed, in coordination with local emergency response agencies, that would consider the diversity and density of populations residing within the local area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF. In addition, oversight of NBAF operations, as described in Section 2.2.2.6 of the NBAF EIS, will be conducted in part by the Institutional Biosafety Committee (IBC), which includes community representative participation, and the APHIS Animal Research Policy and Institutional Animal Care and Use Committee.

Comment No: 3 Issue Code: 12.2
DHS notes the commentor's drought concerns and DHS acknowledges regional drought conditions. As described in Section 3.7.3.3.1 of the NBAF EIS, the South Milledge Avenue Site alternative would use approximately 118,000 gallons per day of potable water approximately 0.76% of Athens 15.5 million gallons per day usage. The NBAF annual potable water usage is comparable to 228 residential homes' annual potable water usage.

Blount & Family, Sandy

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CD0902

From: [redacted] on behalf of Sandy Blount [redacted]
Sent: Friday, August 22, 2008 3:08 PM
To: NBAFProgramManager
Subject: NBAF in Athens, Georgia

Dear NBAF Program Manager,

The DEIS clearly shows that the Athens, GA site is neither safe nor compatible from an environmental standpoint for the construction of NBAF. There are real dangers in locating the NBAF in the middle of our community. The very real possibility of contamination is frightening. In addition, the NBAF will be a prime target for domestic or foreign terrorists, and therefore should not be in the middle of a populated area such as Athens. Other obvious concerns are the drought in our area and the effect of NBAF on the environment of the State Botanical Garden and Important Bird Area.

1| 21.2
2| 12.2
3| 13.2

4| 25.2 Please do not act irresponsibly in the face of such overwhelming evidence. NBAF should not be in Athens. Please put it elsewhere where lives will not be at risk, or do the work in existing facilities. We are strongly opposed to NBAF and will continue to actively work against any effort to bring NBAF to our community.

Sincerely,
Sandy Blount and family

Comment No: 1 Issue Code: 21.2

DHS notes the commentor's concern that the NBAF would be a prime terrorist target. Section 3.14 addresses accident scenarios, including external events such as a terrorist attack. A separate Threat and Risk Assessment (designated as For Official Use Only)(TRA) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and are used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety. Because of the importance of the NBAF mission and the associated work with potential high-consequence biological pathogens, critical information related to the potential for adverse consequences as a result of intentional acts has been incorporated into the NEPA process.

Comment No: 2 Issue Code: 12.2

DHS notes the commentor's drought concerns. As described in Section 3.7.3.3.1, the NBAF at the South Milledge Avenue Site would use approximately 118,000 gallons per day of potable water approximately 0.76% of Athens 15.5 million gallons per day usage. Section 3.7.3.1.1 describes the potential potable water sources, the Middle and North Oconee Rivers and the Jackson County Bear Creek Reservoir.

Comment No: 3 Issue Code: 13.2

DHS notes the commentors concern regarding the proximity of the South Milledge Avenue Site to the State Botanical Garden and the Important Bird Area (IBA). As indicated in Sections 3.8.3.2 and 3.8.3.3 of the NBAF EIS, construction and normal operations of the NBAF would have no direct impact on the State Botanical Garden or IBA. The NBAF would affect primarily pasture areas that have low wildlife habitat value due to their disturbed condition, lack of native vegetation, and lack of wildlife food and cover. The forested portion of the NBAF site along the Oconee River is a high value riparian wildlife corridor that connects the State Botanical Garden with the Whitehall Forest IBA. However, impacts to the forested riparian area would be minor (0.2 acre), and these impacts would occur within the existing pasture fence-line in areas that have been disturbed by grazing. The high value forested riparian corridor would be preserved; and therefore, the proposed NBAF would not have significant direct impacts on wildlife dispersal between the State Botanical Garden and the Whitehall Forest IBA.

Section 3.5.5.3 addresses operational noise impacts associated with the proposed NBAF. Minor noise impacts would result from an increase in traffic and operation of the facility's filtration, heating, and cooling systems. Section 3.5.5.3 describes noise-attenuating design features that would minimize noise emissions. In the event of a power outage, operation of back-up generators could have a short-term impact on wildlife by discouraging utilization of immediately adjacent habitats. Routine operations at the NBAF would not be likely to have significant noise impacts on wildlife. Security requirements at the proposed NBAF would require continuous outdoor nighttime lighting. Nighttime

lighting has the potential to impact wildlife through astronomical and ecological light pollution. Unshielded lighting can shine upward and interfere with bird migration, disorienting birds and causing them to collide with structures. Birds are attracted to lights and may collide with lighted structures. Most concerns involve lighting associated with high-rise buildings and tele-communication towers; however, even residential lighting can affect some birds. The USFWS advocates the use of shielded lighting to minimize adverse impacts on migratory birds. Shielded fixtures direct light downwards and can be used to keep light within the boundaries of the site. The NBAF would employ the minimum intensity of lighting that is necessary to provide adequate security. Mitigation measures, such as those described above, will be considered in the final design of the NBAF. Lighting would have the potential for adverse impacts (i.e., repulsion and interference with foraging behavior) on resident wildlife immediately adjacent to the NBAF. However, the use of shielded lighting would minimize the potential for impacts in adjacent habitats. Given the relatively low profile of the building and the use of mitigation measures, significant lighting impacts on migratory birds would not be likely to occur.

The potential impacts of an accidental release on wildlife are addressed in Section 3.8.9. Birds are not susceptible to diseases that may be studied at the NBAF. Although the NBAF EIS acknowledges the potential for significant impacts on other species of wildlife in the event of an accidental release, the risk of such a release is extremely low (see Section 3.14). It has been shown that modern biosafety laboratories can be safely operated in populated areas and in areas with abundant wildlife. State-of-the-art biocontainment facilities such as the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of NBAF. Furthermore, the purpose of NBAF is to combat diseases that could have significant effects on wildlife. Research at the NBAF would include the development of vaccines for wildlife that could prevent adverse impacts from a foreign introduction.

Comment No: 4 Issue Code: 25.2

DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Blumenthal, Caroline

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WD0417

From: Caroline Blumenthal [redacted]
Sent: Wednesday, August 20, 2008 2:45 PM
To: NBAFProgramManager
Subject: No to NBAF

1|25.0 | Please add my NO to NBAF for the dangers it offers.

C.Blumenthal

Comment No: 1 Issue Code: 25.0
DHS notes the commentor's opposition to the NBAF.

Blumenthal, Richard

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MD0090

UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY

NATIONAL BIO AND AGRO-DEFENSE FACILITY	:	DRAFT ENVIRONMENTAL IMPACT STATEMENT PROCESS September 3, 2008

SUPPLEMENT TO COMMENTS OF THE ATTORNEY GENERAL OF THE STATE OF CONNECTICUT

Richard Blumenthal, Attorney General of the State of Connecticut, hereby files the following supplement to the August 21, 2008 comments previously filed with the Department of Homeland Security (DHS) in response to the June 2008 National Bio and Agro-Defense Facility (NBAF) Draft Environmental Impact Statement (DEIS).

In my comments of August 21, I criticized the Draft Environmental Impact Statement because it fails to consider the possibility of "a direct attack on the NBAF aimed at either causing immediate damage through a release from the facility or harnessing the diseases handled at the NBAF for more widespread dissemination." *Comments of the Attorney General of Connecticut, 8/21/08, p. 6.* Yesterday's federal indictment of a suspected Pakistani terrorist, Aafia Siddiqui, who is alleged to have possessed handwritten notes referring to a "mass casualty attack" and specifically identifying Plum Island, shows with terrifying clarity that these concerns are real and immediate. Now that terrorist interest in Plum Island is an established fact, DHS should promptly abandon any consideration of siting its dangerous new facility in such a vulnerable location. This facility takes the public health threat literally to a new level – and

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Comment No: 1 Issue Code: 21.0

DHS notes the Attorney General's concern for security of the NBAF. Regardless of location, the NBAF would have the levels of protection and control required by applicable DHS security directives. A Threat and Risk Assessment (designated as For Official Use Only) was prepared that evaluated site-specific security issues and will be considered in the decision making process on whether or not the NBAF is built, and, if so, where.

Comment No: 2 Issue Code: 5.1

DHS notes the Attorney General's opposition to the Plum Island Site Alternative due to vulnerability and security risks. Security would be provided by a series of fencing, security cameras, and protocols. In addition, a dedicated security force would be present on-site. Additional security could be provided via cooperation with local law enforcement agencies. A separate Threat and Risk Assessment (designated as For Official Use Only)(TRA) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and are used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety.

Blumenthal, Richard

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2 cont.| 5.1 makes the peril of terrorist attack an intolerable risk. This site is an island exposed on all sides and above – unacceptably difficult to secure against an armed enemy.

In the indictment filed in federal court in New York yesterday, the Grand Jury charged that Aafia Siddiqui, when detained on or about July 17, 2008 by the Afghan National Police in Ghazni, Afghanistan, was in possession of a number of items, "including various documents, various chemicals, and a computer thumb drive, among other things." *United States of America v. Aafia Siddiqui*, 08-CRIM-826 (S.D.N.Y.) (Indictment filed 9/2/08), ¶ 2. "Among the documents in the possession of Aafia Siddiqui . . . were handwritten notes that referred to a ***'mass casualty attack'*** and that listed various locations in the United States, ***including Plum Island***, the Empire State Building, the Statue of Liberty, Wall Street, and the Brooklyn Bridge."

3| 27.0 *Id.*, ¶ 3 (emphasis supplied).

The indictment charges Aafia Siddiqui with attempted murder, armed assault, and assault on United States nationals, officers and employees, and discharge of a firearm during a crime of violence. According to the indictment, during an incident in Afghanistan earlier this summer, Siddiqui obtained a U.S. Army Officer's M-4 rifle and fired it at another United States Army Officer and other members of a United States interview team, at which time she "repeatedly stated her intent and desire to kill Americans." *Id.*, ¶¶ 6, 8. Ms. Siddiqui "has been described by American officials as an Al Qaeda operative." Benjamin Weiser, *Indictment Hints of Plan to Attack Landmarks*, New York Times, Sept. 3, 2008.

The indictment goes on to charge that "certain notes referred to the construction of 'dirty bombs,' chemical and biological weapons, and other explosives. These notes also discussed mortality rates associated with certain of these weapons and explosives. Other notes referred to various ways to attack 'enemies,' including by destroying reconnaissance drones, ***using***

Comment No: 3 Issue Code: 27.0

DHS notes the information submitted by the commentor.

Blumenthal, Richard

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underwater bombs, and using gliders." *United States of America v. Aafia Siddiqui*, 08-CRIM-826 (S.D.N.Y.) (Indictment filed 9/2/08), ¶ 2 (emphasis supplied). "The computer thumb drive in the possession of Aafia Siddiqui . . . contained various electronic documents. A number of these documents consisted of correspondence that referred to specific 'cells' and 'attacks' by certain 'cells.' Other documents referred to 'enemies,' including the United States, and discussed recruitment and training." *Id.*, at ¶ 4.

3 cont.| 27.0

My August 21, 2008 comments filed with DHS specifically criticized the failure of the DEIS to fully consider, among other things, the proximity of Plum Island to New York City, one of the nation's most populous cities and a repeated target of terrorist attacks, as well as Plum Island's proximity to a nuclear submarine base, a nuclear submarine construction facility, the United States Coast Guard Academy, and a major nuclear power plant. This indictment clearly underscores the threat to Plum Island from intentional attack. There is no longer any doubt that Plum Island is known to international terrorists contemplating attack on the United States. The link to environmental contamination and disease contagion is clear: an attack could unleash deadly and pernicious pathogens that have no known cure or vaccine.

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5| 21.1

The seventh anniversary of 9/11 highlights the need for vigilance and vision. Needless risk should be abhorred and avoided – and so should a vastly riskier Plum Island facility.

Now, more than ever, the DHS must fully evaluate and confront the likelihood of a terrorist attack on Plum Island. Breeding deadly and incurable diseases on this island – a potential target noted by terrorists, within easy reach of New York City and several important nuclear and military facilities -- is undeniably indefensible. DHS must either completely redo the draft environmental impact statement, or, very preferably, eliminate Plum Island from consideration as a site for the proposed NBAF.

6| 25.1

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Comment No: 4 Issue Code: 6.1
DHS notes the commentor's concern. A separate Threat and Risk Assessment (TRA) (designated as For Official Use Only) was conducted to determine the level and type of threat for each site, and Section 3.14 and Appendix E of the NBAF EIS evaluate the potential consequences from terrorist actions and other accident scenarios.

Comment No: 5 Issue Code: 21.1
See response to Comment No: 2.

Comment No: 6 Issue Code: 25.1
DHS notes the commentor's opposition to the Plum Island Site Alternative.

Blumenthal, Richard

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MD0090

Respectfully submitted,

Richard Blumenthal
Attorney General, State of Connecticut

4

Blumenthal, Richard

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WD0446

From: Seligman, Sharon [Sharon.Seligman@po.state.ct.us]
Sent: Thursday, August 21, 2008 2:29 PM
To: NBAFProgramManager
Cc: Massicotte, Kimberly P.
Subject: National Bio and Agro-Defense Facility: Comments of the Attorney General of the State of Connecticut to the Draft Environmental Impact Statement
Attachments: Comments to NBAF DEIS.pdf

Please see attached Comments of the Attorney General of the State of Connecticut to the NBAF Draft Environmental Impact Statement. A hard copy will follow via overnight mail.

Sharon M. Seligman

Assistant Attorney General - Environment
Office of the Attorney General
55 Elm Street
P.O. Box 120
Hartford, CT 06106

Phone: 860.808.5250
Fax: 860.808.5386
Email: sharon.seligman@po.state.ct.us
URL: http://ct.gov/ag/

Blumenthal, Richard

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WD0446

UNITED STATES OF AMERICA
DEPARTMENT OF HOMELAND SECURITY

NATIONAL BIO AND AGRO-DEFENSE FACILITY	:	DRAFT ENVIRONMENTAL IMPACT STATEMENT PROCESS August 21, 2008

COMMENTS OF THE ATTORNEY GENERAL OF THE STATE OF CONNECTICUT

Richard Blumenthal, Attorney General of the State of Connecticut, hereby files the following comments with the Department of Homeland Security (DHS or the Department) in response to the June 2008 National Bio and Agro-Defense Facility (NBAF) Draft Environmental Impact Statement (DEIS)

SUMMARY

1|5.1 The Draft Environmental Impact Statement is profoundly flawed – factually deficient, and legally insufficient -- misassessing the monstrous risks of siting the proposed Level Four National Bio and Agro-Defense Facility on Plum Island. This facility would study and

2|1.0 experiment with the most dangerous disease organisms, including pathogens transmitted from animals to humans, that have no known cures or vaccines. Some of these diseases do not otherwise exist in this country.

3|21.1 Although Plum Island has long hosted research into animal disease, the new facility would take the public health threat literally to a new level. The environmental security risks are intolerable in an area so densely populated, heavily traveled and environmentally valued. The threat of accident or attack is hardly hypothetical or speculative, as recent experience has taught to our sorrow. These dangers are real and substantial, and have not been adequately considered.

1 cont.| 5.1 While the nation will no doubt benefit from the scientific research of the proposed NBAF, there

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Comment No: 1 Issue Code: 5.1
DHS notes the commentor's statement. DHS prepared the NBAF EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and CEQ's regulations for implementing NEPA (40 CFR 1500 et seq.). The primary objective of the EIS is to evaluate the environmental impacts of the no action and site alternatives for locating, constructing and operating the NBAF. As summarized in Section 3.1 of the NBAF EIS, DHS analyzed each environmental resource area in a consistent manner across all the alternatives to allow for a fair comparison among the alternatives.

Comment No: 2 Issue Code: 1.0
DHS notes the commentor's concern regarding the NBAF. As described in Chapter 1 of the NBAF EIS, DHS's mission is to study foreign animal, zoonotic (transmitted from animals to humans) and emerging diseases that threaten our agricultural livestock and agricultural economy. The NBAF would enable research on the transmission of these animal diseases and support development of diagnostic tests, vaccines, and antiviral therapies for foreign animal, zoonotic and emerging diseases. By proposing to construct the NBAF, DHS is following policy direction established by the Congress and the President.

Comment No: 3 Issue Code: 21.1
DHS notes the commentor's concern that the NBAF would be a prime terrorist target. Section 3.14 and Appendix E of the NBAF EIS address accident scenarios, including external events such as a terrorist attack. A separate Threat and Risk Assessment (TRA) (designated as For Official Use Only) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and are used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety. Because of the importance of the NBAF mission and the associated work with potential high-consequence biological pathogens, critical information related to the potential for adverse consequences as a result of intentional acts has been incorporated into the NEPA process.

DHS notes the commentor's views on risk. DHS believes that experience shows that facilities utilizing modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of the NBAF, would enable the NBAF to be safely operated with a minimal degree of risk, regardless of the site chosen.

Blumenthal, Richard

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1Cont.|5.1 are far safer and sounder locations than Plum Island. The danger here is unacceptable -- to health and safety as well as the environment.

Among its many key failings, the DEIS fails to fully consider the following:

- The proximity of Plum Island to New York City, one of the nation's most populous cities and a repeated target of terrorist attacks; 3Cont.|21.1
- The fact that 20 million people live within 50 miles of Long Island Sound;
- The proximity of Plum Island to a nuclear submarine base, a nuclear submarine construction facility, the United States Coast Guard Academy, and a major nuclear power plant;
- The special security risks of protecting an island;
- The extreme difficulty of providing emergency response services to an island;
- The risks of disease transmission to and through birds and wild mammals, particularly seals, that are a growing presence in Long Island Sound;
- The risks to an island laboratory from a category 5 hurricane.

Considerations of environment and security are inextricably connected: a deliberate attack no less than an inadvertent leak or accident may severely and irreparably wound or destroy wildlife, water quality and human beings. 4|19.1

The DHS has a legal and ethical obligation to consider all reasonably possible alternative sites, and to select the most prudent and safe, and environmentally least damaging. The DHS inexcusably has neglected to study – or even acknowledge – the uniquely complex character of the area around Plum Island. As a result, the DEIS fails to provide a complete environmental impacts analysis and is therefore in violation of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321, *et seq.* Basic environmental data are absent from the DEIS and necessary 1Cont.|5.1

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Comment No: 4 Issue Code: 19.1

DHS notes that a release, either intentionally or accidentally has the potential for serious adverse economic and health impacts.

Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some "accidents" are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. The specific objective of the hazard identification, accident analysis, and risk assessment is to identify the likelihood and consequences from accidents or intentional subversive acts. In addition to identifying the potential for or likelihood of the scenarios leading to adverse consequences, this analysis provides support for the identification of specific engineering and administrative controls to either prevent a pathogen release or mitigate the consequences of such a release. The risk of an accidental release of a pathogen is extremely low. The risk of an accidental release of a pathogen is extremely low, but the economic effect would be significant for all sites. As described in Section 3.10.9 of the NBAF EIS, the economic impact of an outbreak of foot and mouth disease virus has been previously studied and could result in a loss in the range of $2.8 billion in the Plum Island region to $4.2 billion in the Manhattan, Kansas area over an extended period of time. The economic loss is mainly due to potential foreign bans on U.S. livestock products. Although the effects of an outbreak of Rift Valley fever virus on the national economy has not been as extensively studied, the potential economic loss due to foreign bans on livestock could be similar to that of foot and mouth disease outbreak, while the additional cost due to its effect on the human population could be as high as $50 billion. There is little economic data regarding the accidental or deliberate Nipah virus release. However, cost would be expected to be much lower then a release of foot and mouth disease virus or Rift Valley fever virus as the Nipah virus vector is not present in the western hemisphere.

Blumenthal, Richard

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impact analysis is therefore inadequate. The DEIS fails to meet the minimum requirements of NEPA and cannot comply without extensive additional study. These known, humongous risks dictate that DHS should simply remove Plum Island from consideration as a site for this project.

5| 4.1

1. Safety and Security

The Department of Homeland Security defies common sense and science by considering a facility for deadly and untreatable diseases -- within twelve (12) miles of southeastern Connecticut -- home to a militarily significant nuclear submarine base, a critical nuclear submarine construction facility, the United States Coast Guard Academy, and a 2,000 megawatt nuclear reactor. Reviewing a location just 100 miles from the heart of Manhattan, the DEIS ignores our tragic recent past experiences of terrorism in New York City, and fails to consider the consequences of a release of pathogens on the citizens and infrastructure of New York. An accidental or intentional release from Plum Island poses a far greater risk to public safety than would a release at a more remote location. Simply by virtue of its charge to "research high-consequence biological threats involving zoonotic (*i e*, transmissible from animals to humans) and foreign animal diseases[,]" the facility is very dangerous. "High-consequence" foreign animal diseases are defined as those "[d]iseases not present in the United States that are capable of rapidly spreading and causing high numbers of deaths and/or devastating economic consequences (*e g*, foot and mouth disease)."

6|6.1

3Cont.|21.1

Because the NBAF will be handling lethal organisms, any small release can become a catastrophe. Diseases that may be studied include, for example, the Nipah virus, which may appear as sudden death syndrome in mature swine, and, in humans, is characterized by "severe febrile encephalitis, fever, headache, dizziness, and vomiting with a high mortality rate." (DEIS,

3

Comment No: 5 Issue Code: 4.1

DHS prepared the NBAF EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and CEQ's regulations for implementing NEPA (40 CFR 1500 et seq.). The primary objective of the EIS is to evaluate the environmental impacts of the no action and site alternatives for locating, constructing and operating the NBAF. As summarized in Section 3.1 of the NBAF EIS, DHS analyzed each environmental resource area in a consistent manner across all the alternatives to allow for a fair comparison among the alternatives. The decision on whether to build the NBAF will be made based on the following factors: 1) analyses from the EIS and support documents; 2) the four evaluation criteria discussed in section 2.3.1; 3) applicable federal, state, and local laws and regulatory requirements; 4) consultation requirements among the federal, state, and local agencies, as well as federally recognized American Indian Nations; 5) policy considerations; and 6) public comment.

The Department of Homeland Security Under Secretary for Science and Technology Jay M. Cohen, with other Department officials, will consider the factors identified above in making final decisions regarding the NBAF. A Record of Decision (ROD) that explains the final decisions will be made available no sooner than 30 days after the Final NBAF EIS is published.

Comment No: 6 Issue Code: 6.1

DHS notes the commentor's concern that the NBAF would be a prime terrorist target. Section 3.14 and Appendix E of the NBAF EIS address accident scenarios, including external events such as a terrorist attack. A separate Threat and Risk Assessment (TRA) (designated as For Official Use Only) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and are used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety. Because of the importance of the NBAF mission and the associated work with potential high-consequence biological pathogens, critical information related to the potential for adverse consequences as a result of intentional acts has been incorporated into the NEPA process.

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3-478.) Experience has "showed that, even in the hands of experienced owners and operators, safety and security of high-containment labs can still be compromised." U.S. Government Accountability Office, *High Containment Biosafety Laboratories: Preliminary Observations on the Oversight of the Proliferation of BSL-3 and BSL-4 Laboratories in the United States*,[1] October 4, 2007, page 20 (noting that "[a]n hour-long power outage, in June 2007, at the [Center for Disease Control's] newest [biosafety level 4] facility raised questions about safety and security, as well as the back-up power system design") Add the proximity of four targets critical for our nation's security and stability, and the nation's largest populated city to show that the dangers to human health and environment are disproportionate and unacceptable.

7|21.0

3Cont.|21.1

There is no dispute that the area immediately surrounding the proposed Plum Island location is densely populated. The DEIS itself notes that the estimated population for the "study area" alone for 2012 is 2,013,919. (DEIS, 3-278.) Approximately 20 million people live within fifty miles of Long Island Sound. *See* Long Island Sound Facts, Figures and Maps, www.epa.gov/region01/eco/lis/facts.html. In addition, the United States Navy maintains a vital nuclear submarine base at Groton, Connecticut and the nearby General Dynamics Electric Boat facility is recognized "[a]s a highly visible and vital part of the U.S. Navy submarine construction and maintenance, as well as being adjacent to other facilities and population centers, [which] presents a potential target for terrorist attack." Security Zone, General Dynamics, Electric Boat Corporation, Groton, CT, 69 Fed. Reg. 4243 (2004). In addition, Waterford, Connecticut is home to the Millstone Nuclear Power Station, which generates 2,020 megawatts of electricity (enough power to keep the lights on in 1.5 million homes); the United States Coast

3Cont.|21.1

[1] Testimony before the Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives; Statement of Keith Rhodes, Chief Technologist, Center for Technology and Engineering, Applied Research and Methods.

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Comment No: 7 Issue Code: 21.0

DHS notes the commentor's views on risk. DHS believes that experience shows that facilities utilizing modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of the NBAF, would enable the NBAF to be safely operated with a minimal degree of risk, regardless of the site chosen.

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Guard Academy is located in New London, Connecticut. All of these facilities are within roughly 12 miles of the proposed Plum Island location. The report recognizes, but then inexplicably ignores, that it is possible "for the viral pathogens to be transported significant distances by the wind . . ." (DEIS, 3-472.) The DEIS never addresses the impact to the area and the nation should there be a release from an accident or intentional act because of its proximity to these four sites so critical to our nation's security and infrastructure.

4Cont.|19.1

a. Terrorism

The DHS cannot discount -- or, as in this case, virtually ignore -- the possibility of a potential terrorist attack at Plum Island, located in the midst of the naval submarine base, Electric Boat, the Coast Guard Academy, and the Millstone Nuclear Power Station -- all close to New York City, an established target for terrorism. As emphasized by the January 25, 2007 Findings and Recommendations of the Homeland Security Advisory Council, Future of Terrorism Task Force, "[t]here is every indication that the number and magnitude of attacks on the United States, its interests and its allies will likely increase." (Findings, Page 3.)

3Cont.|21.1

Consideration of siting an NBAF at Plum Island without the appropriate level of study of these concerns is indefensible. Clearly, terrorists desire to attack the United States' economic, industrial, military, and energy infrastructure and they have a demonstrated capability to launch seaborne attacks or hijacking of surface vessels. *See* Karl Grossman, *Target: Plum Island*, N.Y. Times, Sept. 11, 2005 (". . . Plum Island has a major and unfixable problem: it's an easy target for terrorists, indeed a sitting duck . . . In the wake of 9/11, the center, housing highly virulent disease agents a mile and a half off Long Island, constitutes a serious risk not just to New York, but also to Connecticut, Massachusetts and Rhode Island, which are all within 100 miles of Plum Island"); Robert A. Hamilton, *From the Sub Base to Airports, Security Has Tightened,* N.Y.

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Times, Sept. 30, 2001 (noting increased security measures taken at the Port of New London, the naval submarine base, and the Millstone Nuclear Power Station in the wake of 9/11)

DHS must determine the nature and extent of the terrorism threat and determine whether and how it could protect the public from it. The DEIS, however, fails to make any reference to or provide any discussion of these areas with respect to its impact analysis. There is no examination of the consequence of and response to an attack on (or incident at) another target in the region which would drain and divert local emergency resources, or a direct attack on the NBAF aimed at either causing immediate damage through a release from the facility or harnessing the diseases handled at the NBAF for more widespread dissemination. The humongous potential environmental disaster associated with nuclear and biohazards requires more than cursory and superficial attention.

3 cont.| 21.1

b. Municipal and State Response Capabilities

First responders to any accident or attack on the proposed NBAF will be drawn from the local communities. There is no State of Connecticut or federal Fire Department or paramedic unit. Fire and other emergency response units, other than law enforcement units such as the State Police, are provided by towns and municipalities. The communities along the New York and Connecticut coasts are staffed and equipped to address only their own local needs. Conventional firefighting trucks and equipment will be useless in responding to any biological release or disaster. The limited number of medical evacuation helicopters will be inadequate to address the potentially significant number of casualties which may result from an unanticipated occurrence at a proposed NBAF.

8| 15.1

Each and every one of these safety issues must be – but has not been – addressed in determining the location of an eventual NBAF. For example, the DEIS cannot realistically

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Comment No: 8 Issue Code: 15.1

DHS notes the information provided and concerns expressed by the Connecticut Attorney General. DHS is aware of and has considered the total population and population density of the Long Island region and well as the status of local emergency response services as described in Section 3.10.6 of the NBAF DEIS that evaluates the capacity of local emergency response services to absorb population impacts resulting from the normal operations of the NBAF. Other conditions were also considered in the separate Threat and Risk Assessment (TRA) that is not available to the general public for security reasons. With regard to the role of first responders and utilization of their capabilities, DHS would offer coordination and training to local medical personnel regarding the effects of pathogens to be studied at the NBAF. Emergency management plans would also include training for local law enforcement, health care, and fire and rescue personnel

The risk of a pathogen release from the proposed NBAF at each of the proposed sites was evaluated in Section 3.14 of the NBAF EIS and was determined to be low for all sites. Although the risk of a release of a pathogen is low, DHS acknowledges that the possible effects would be significant for all sites.DHS recognizes and has considered the tremendous commercial, recreational, and natural resource value of Long Island Sound and the people and economies, both nationally and internationally, that depend on the industries, ports, and resources of the Long Island Sound region and the potential ramifications of a pathogen release, whatever the cause. In the unlikely event of a pathogen release, the need to establish a quarantine zone of any kind centered on Plum Island would be a very low probability event. Any such release would not be expected to require restriction of commercial or recreational traffic in Long Island Sound. For example, in the case of a release of FMD virus, response measures could potentially include a wide range of actions depending on site conditions, characteristics of local wildlife populations, and the nature of the outbreak, as described in Section 3.8.9.1 of the NBAF EIS. As further described in Section 3.8.9.1, DHS would have publicly accepted, site-specific Standard Operating Procedures (SOPs) and response plans in place prior to the initiation of research activities at the NBAF. DHS would develop its SOPs and response plans in coordination with the public, local government, and state and federal agencies. All interested parties would have the opportunity to review the draft response plan and provide comments that DHS would consider in formulating the final document. For the Plum Island Site, a site-specific emergency response plan would be developed and coordinated with the local emergency management plan regarding evacuations and other emergency response measures for all potential emergency events including accidents at the NBAF. The type of, duration, and geographical extent of quarantine would be determined by the authorities depending on the pathogen released and contamination level and as dictated by pathogen-specific SOPs and response plans.

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conclude that "[t]he population increase associated with the NBAF (720), relative to the expected growth of the existing population between 2007 and 2012 (70,562), would result in a *negligible* increase in the need for additional fire protection services." (DEIS 3-279, emphasis added.) Such a statement completely ignores the new and increased risks and associated need for first responders, as a result of siting the NBAF in a densely populated area with limited access to the island.

8cont.| 15.1

In addition, hurricanes of varying severity have repeatedly struck Long Island Sound. Therefore, DHS has been seriously remiss in its failure to analyze the consequences of a Category 5 storm.

3 cont.| 21.1

2. Commerce

While terrorism is a real and present danger to a facility handling insidious zoonotic diseases, such a facility itself can be a threat to crucial economic and commercial interests even in the absence of a deliberate attack. Recent incidents occurring in laboratories in the United States and abroad demonstrate this fact. (DEIS, Appendix B) In particular, these documented incidents range from a valve failure for a waste treatment tank system at a National Institute of Health laboratory in Bethesda, Maryland in the summer of 2004, in which severe damage occurred to the maximum biocontainment laboratory (DEIS, B-11); to the 1978 incident at the Plum Island Animal Disease Center in which the virulent foot and mouth disease virus escaped from the biocontainment facility, infecting the cattle outside the facility, requiring all animals on the island to be euthanized and incinerated (DEIS, B-16); to a package of infected bird tissue bursting at a Federal Express shipping building in Columbus, Ohio in March 2003, potentially exposing workers in the building to disease agents (DEIS, B-12)

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Long Island Sound is economically important to the Connecticut-New York region for a variety of commercial and recreational purposes. *See* Interim Report of the Long Island Sound LNG Task Force ("Task Force Report"), March 8, 2006, pp. 29 – 37. Annual Long Island Sound shellfishing and finfishing resources are valued at approximately $148 million. *See* Task Force Report, at 35. Including recreational use, intrinsic value, and coastal wetlands, the Task Force Report puts the total use value of the Sound at approximately $5.5 billion. *See id.*

Marine accidents are of a particular concern to Long Island Sound because it is heavily used by commercial shipping, fishing interests and recreational boaters and because it is narrow. *See* Task Force Report, at 16. Vital fuel tankers and bulk carriers pass through the Sound constantly, as do nuclear submarines. *See id.* New Haven harbor in particular is critically important to economic as well as national security interests: New Haven harbor's ports average 20 to 24 ships per day, provide 90% of all shipped petroleum in the State of Connecticut, and are involved with the United States strategic petroleum reserves. *See id.*, at 37. Ships in the Sound come from all over the world, threatening to spread any released disease world-wide. This point is ignored in the DEIS. Any disruption to these ports would wreak disastrous consequences for traffic congestion, air pollution, and the New England economy.

8Cont.|15.1

Currently, total commercial traffic through the Sound is on the order of 700 foreign flag ships and 1200 tugs and barges per year and the volume of traffic in the Sound "is generally going up." *See* United States Coast Guard's Ports and Waterways Safety Assessment (PAWSA) for Long Island Sound Final Workshop Report ("Coast Guard Report") dated July 15, 2005, at 16. In addition, the Coast Guard must account for the myriad small pleasure craft that use the Sound. According to the Coast Guard Report, Long Island has at least 80,000 registered boats and Connecticut another 112,000, with a 2% - 4% annual increase in registration. *See id.*, at 17

9|16.1

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Comment No: 9 Issue Code: 16.1

DHS notes the commentor's concern. The types of pathogens likely to be studied at the proposed NBAF at the Plum Island Site would not threaten the waterways and the commerce and recreation associated with it. It is not anticipated that the emergency response plan for an accidential release would close the waterway between Plum Island and Connecticut.

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This staggering number of almost 200,000 known small craft underscores two very different problems. The first is that the Sound is relatively small and is covered with ships of various sizes. The second is that the non-commercial vessels, while small, pose very unique problems – quite simply, there are huge numbers of these little boats and their operators can be "individuals with little boating knowledge." Coast Guard Report, at 15. 9Cont.|16.1

Any potential accident or other occurrence at the Plum Island location, including any disruption to transportation routes in the Sound, would have direct and immediate impact to the entire region. As the Coast Guard Report notes, "Long Island Sound contributes at least $5.5 billion to the regional economy each year." Coast Guard Report, at 37. "Closure of the waterway through the Sound could have a multifaceted [e]ffect on the regional area, especially for oil transshipments" and "[j]ust-in-time inventory management means industry has about a week before there is an economic impact." *Id.* The DEIS fails to fully acknowledge these economic realities, and therefore does not adequately assess the impacts to the same of locating the NBAF on Plum Island. 3Cont.|21.1 8Cont.|15.1

3. Environmental Impacts

The fundamental goal of an evaluation under NEPA is to require responsible government agencies involved with a given project to undertake a careful and thorough-going analysis of the need for that project and its environmental impacts before committing to proceeding with the project. As the Tenth Circuit Court of Appeals has held:

> The purpose of NEPA is to require agencies to consider environmentally significant aspects of a proposed action, and, in so doing, let the public know that the agency's decisionmaking process includes environmental concerns. *Baltimore Gas & Elec. Co. v. Natural Resources Defense Council*, 462 U.S. 87, 97, 76 L.Ed. 2d 437, 103 S. Ct. 2246 (1983); *Sierra Club v. United States Dep't of Energy*, 287 F. 3d 1256, 1262 (10th Cir. 2002).

Utahns For Better Transportation v. United States Dep't of Transp., 305 F.3d 1152, 1162 (10th

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Cir. 2002). As the District of Columbia Circuit Court further clarified:

> . . . "NEPA was intended to ensure that decisions about federal actions would be made only after responsible decision-makers had fully adverted to the environmental consequences of the actions, and had decided that the public benefits flowing from the actions outweighed their environmental costs." *Jones v. District of Columbia Redevelopment Land Agency*, 162 U.S. App. D.C. 366, 499 F 2d 502, 512 (D C Cir. 1974).

Illinois Commerce Comm. v. Interstate Commerce Comm., 848 F 2d 1246, 1259 (D C. Cir. 1988). It is self-evident that an evaluation of impacts cannot be completed until there is a comprehensive understanding of the environment to be impacted.

8Cont.|15.1

Significantly, the potential siting of the proposed NBAF on Plum Island would impact a uniquely valuable and sensitive environment. The importance of Long Island Sound – environmentally, esthetically, and economically – cannot be overstated. Over centuries, for different peoples and cultures, it has been a constant, precious source of nurture and nature. The Sound is one of the largest estuaries in the United States, where the tidal, sheltered waters support unique communities of plants and animals. Numerous marine organisms, including many of the commercially valuable fish and shellfish species, as well as birds, mammals, and other wildlife, depend on the Long Island Sound estuarine habitats at some point in their development to live, feed, and reproduce. The Sound has been listed as an estuary of national significance. *See* 33 U.S.C. 1330(a)(2)(B).

10|13.1

While severely threatened by centuries of human activities, industrial pollution, and overfishing, the Sound remains "an 'essential fish habitat' (EFH), defined as being necessary for fish spawning, breeding, feeding, or growth to maturity, for a variety of fish species." Connecticut Siting Council Findings of Fact, Dckt No. 197, *TransEnergie Application for Certificate of Environmental Compatibility and Public Need*, March 28, 2001, ¶ 86. In fact, "Long Island Sound is an environment used by Kemps Ridley, Loggerhead, Green, and

Comment No: 10 Issue Code: 13.1

DHS notes the commentor's concern regarding estuarine and marine resources associated with Long Island Sound. Section 3.1.2.8.3 of the NBAF EIS acknowledges the presence of endangered species, marine mammals, and other valuable aquatic resources in Long Island Sound.The EIS also acknowledges the occurrence of harbor seals on the shores of Plum Island. Construction would be restricted to terrestrial habitats; and therefore, would have no direct effect on estuarine/marine habitats or essential fish habitat. The potential impacts of an accidental release on wildlife are addressed in Section 3.8.9 of the NBAF EIS. Although the NBAF EIS acknowledges the potential for significant wildlife impacts in the event of an accidental release, the risk of such a release is extremely low (see Section 3.14). It has been shown that modern biosafety laboratories can be safely operated in populated areas and in areas with abundant wildlife. State-of-the-art biocontainment facilities such as the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of NBAF. Furthermore, the purpose of NBAF is to combat diseases that could have significant effects on wildlife. Research at the NBAF would include the development of vaccines for wildlife that could prevent adverse impacts from a foreign introduction.

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Leatherback marine turtles [which species] are listed as State or Federal Endangered or Threatened Species, according to Connecticut DEP and NOAA National Marine Fisheries Service." *Id.*, ¶ 83. This fact is of obvious importance even beyond the confines of the Sound because "[m]ore than 70 percent of [overall marine] commercial fish stocks are now considered fully exploited, overfished or collapsed. Sea birds and mammals are endangered. And a growing number of marine species are reaching the precariously low levels where extinction is considered a real possibility." William J. Broad and Andrew C. Revkin, *Has the Sea Given Up Its Bounty?*, New York Times, July 29, 2003.

10Cont.| 13.1

Furthermore, the Connecticut legislature has expressly defined the policy of the state to be protective of Long Island Sound, such as the following legislative findings:

> (1) The waters of Long Island Sound and its coastal resources . . . form an integrated natural estuarine ecosystem which is both unique and fragile;
>
> (2) Development of Connecticut's coastal area has been extensive and has had a significant impact of the Long Island Sound and its coastal resources;
>
> (5) The coastal area is rich in a variety of natural, economic, recreational, cultural, and aesthetic resources, but the full realization of their value can be achieved only by encouraging further development only in suitable areas and by protection of those areas unsuited to development;
>
> . .
>
> (7) Unplanned population growth and economic development in the coastal area have caused the loss of living marine resources, wildlife, and nutrient-rich areas, and have endangered other vital ecological systems and scarce resources.

Conn. Gen. Stat. § 22a-91. The state has supported its policies with action. Vast sums of public money have been spent to improve municipal waste treatment facilities and reduce pollution and runoff. Millions more have been invested in our shellfish industry – an industry once the envy of the nation – that had been decimated by damage to habitat caused by thoughtless development activities. The state has a direct and immediate interest in the marine environment that is

11| 12.1

Comment No: 11 Issue Code: 12.1

DHS notes the commentor's water resource concerns. The NBAF EIS Sections 3.7.2 and 3.7.6 describe the water resources at the Plum Island Site. Section 3.7.2.1.1 specifically describes Long Island Sound's TMDL for nitrogen and Sections 3.7.6.2 and 3.7.6.3 describes NBAF's potential construction and operational consequences. Chapter 3 Section 3.8.2.1.3 describes Plum Island's aquatic resources and Section 3.8.2.2.3 describes potential construction consequences.

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threatened by the proposed NBAF. Astoundingly, the DEIS, after describing the rich aquatic resources of "the estuarine/marine waters of Long Island Sound, Plum Gut, Block Island Sound, and Gardiners Bay[,]" (DEIS, 3-156), summarily dismisses – with no stated scientific or other basis -- any adverse environmental impact on these resources, concluding that "[n]o adverse effects on aquatic resources would be expected." (DEIS, 3-193). This level of "review" is patently inadequate.

11Cont.|12.1

One of the more obvious deficiencies of the DEIS is its failure to study the risks of disease transmission to marine animals and organisms in the immediate vicinity of the island. There is no scientific analysis of the risk of transmission through the sea or via marine animals, and especially marine mammals. To take one apparent but ignored example, the seal population is growing and spreading in Long Island Sound. If one or more seals were to visit or explore the shores of Plum Island, what is the risk that they would be exposed to and transmit pathogens from animals or organisms on the Island? To what extent are seals potential carriers of any of the pathogens to be studied on the Island? How can they and the island be protected? The DEIS ignores these important questions.

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10Cont.|13.1

Consequently, DHS must produce a detailed and comprehensive analysis of all impacts related to a proposed NBAF on Plum Island on all relevant marine resources in the Sound including, but not limited to, commercial and recreational finfishing, and shellfishing, impacts to water quality plant resources, marine mammals, and waterfowl and migratory birds. The utter failure of the DEIS to evaluate the potential environmental impacts of the proposed NBAF for Plum Island in its true context violates both the letter and the spirit of NEPA. Indeed, the DEIS completely ignored impacts to Long Island Sound from the operation of the facility.

4. Cumulative Impacts

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Finally, as articulated by the Tenth Circuit Court of Appeals in *Colorado Envtl. Coalition v. Dombeck*, 185 F.3d 1162, 1176 (10th Cir. 1999), "[a]n environmental impact statement must analyze not only the direct impacts of a proposed action, but also the indirect and cumulative impacts of 'past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.'" As set forth more fully above, these other actions and pre-existing uses in the surrounding region include the naval submarine base, Electric Boat, the Coast Guard Academy, as well as Millstone Nuclear Power Station. The DEIS fails to take into account any of these surrounding uses, and the associated effects on (and risks to) their host communities, rendering it woefully incomplete and inadequate under NEPA.

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CONCLUSION

The proposed NBAF at Plum Island is a dangerous and unprecedented project. While the need for biomedical research on dangerous diseases may be clear, federal law mandates that DHS carefully consider *where* such a facility should be located. The Long Island Sound area is clearly unsuited to a facility of this type. Absent complete and candid evaluation of the significant factors identified herein, DHS cannot claim to have adequately studied the impact of the proposed NBAF as required by the National Environmental Policy Act. No adequate evaluation of the environmental impact of this project on the Long Island Sound area has occurred.

12|25.1

DHS must either completely redo this draft impact statement --going back to square one -- or, very preferably, eliminate Plum Island from consideration as a site.

Respectfully submitted,

Richard Blumenthal
Attorney General, State of Connecticut

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Comment No: 12 Issue Code: 25.1

DHS notes the commentor's opposition to the Plum Island Site Alternative.

Bock, Charlie

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WD0672

From: Charlie_Bock[redacted]
Sent: Monday, August 25, 2008 8:43 AM
To: NBAFProgramManager
Subject: Flora, MS Facility

1|2.5; 2|24.5

I just wanted to give a few comments while I still could.
I've read about this proposed facility, and I think that it would be great for Flora to take this step in aiding in the fight against bio-terrorism.
Anyone from Flora should be proud to be able to get this chance.
Mississippi is more than qualified to operate this facility, and I know the people there can make a dfifference.
I very much hope Flora is considered as the proposed location.
Thank you for your time.

Charlie Bock

Comment No: 1 Issue Code: 2.0
DHS notes the commentor's support for the Flora Industrial Park Site Alternative.

Comment No: 2 Issue Code: 24.5
Please refer to the response in Comment No. 1.

Bogan, Peggy

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PD0158

August 21, 2008

Yes.

1| 15.2
2| 12.2

I have two concerns and this is in relation to the siting of the facility in Athens, Georgia. One is the fact that this is the most densely populated area that is being considered. And the second is, I really…and my main concern is the water issue. Because people seem to think that we are out of the drought and we are not. And, I just don't believe that we have the resources, you know, to support it on the water end. I'm a retired environmental studies teacher. My name is Peggy Bogan.

Thank you.

Comment No: 1 Issue Code: 15.2

DHS notes the commentor's concern. The risks and associated potential effects to human health and safety were evaluated in Section 3.14 of the Draft EIS. The risks were determined to be low for all site alternatives. As described in Section 2.3.1 of the NBAF EIS, DHS's site selection criteria included, but were not limited to, such factors as proximity to research capabilities and workforce. As such, some but not all of the sites selected for analysis as reasonable alternatives in the NBAF EIS are located in subburban or sem-urban areas. Nevertheless, it has been shown that modern biosafety laboratories can be safely operated in populated areas. An example is the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, where such facilities employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of NBAF.

Comment No: 2 Issue Code: 12.2

DHS notes the commentor's drought concerns. As described in Section 3.7.3.3.1, the NBAF at the South Milledge Avenue Site would use approximately 118,000 gallons per day of potable water approximately 0.76% of Athens 15.5 million gallons per day usage. Section 3.7.3.1.1 describes the potential potable water sources, the Middle and North Oconee Rivers and the Jackson County Bear Creek Reservoir.

Bolick, Natasha

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WD0401

From: Natasha Bolick [redacted]
Sent: Wednesday, August 20, 2008 10:31 AM
To: NBAFProgramManager
Subject: Strongly opposed to NBAF in Butner, NC
Attachments: details00000.txt; Strongly opposed to NBAF site in Butner, NC

To Whom It May Concern at the Dept. of Homeland Security:

I am a biomedical engineer in the [redacted] area and a huge proponent of biotechnology, and I understand the appeal of the RTP area for anyone looking to study cutting-edge technology. That being said, I have to state that I AM STRONGLY OPPOSED TO HAVING THE SITE IN BUTNER, NC. I am currently a [redacted] NC resident and I grew up in the [redacted] area, so I am quite familiar with the location under discussion and the local government and emergency response teams that will be responsible should any incidents occur at NBAF. 1|25.3

I have to say that I am appalled at the application and selection process and the way this department and the local NC consortium has acted. No one actually living in the area where the facility will be located was even aware that Butner was being considered for the site until it was in fact a finalist in the selection process! How could DHS or the local consortium know how much community opposition there would be when they kept it hush-hush for so long? DHS has a very inaccurate portrayal of community acceptance if the Butner site was scored highly in that category. I hope DHS will listen to community representatives, city council, etc. that now oppose the site being in Butner and realize they do in fact represent the true voice of the surrounding communities. 1 cont.| 25.3

I have read published materials from both the Dept. of Homeland Security and opponents. I do not think that DHS has adequately addressed many questions proposed by local governments and that is very alarming. The Environmental Impact Statement contains an astounding lack of information and disregard for the local community. It does not discuss facility security, facility specifics, evaluation of roads into and out of the facility, costs the state is responsible for, availability or competence of first responders, the fact that diseases and viruses could mutate in ways that might make them more transmissible to local community, increased risk due to putting wastewater in underground tanks which could lead to underground contamination, analysis of consequences of releases of disease like avian flu given the state's poultry industry, etc. etc. etc. 2|26.0

I have worked in various laboratories over the years and have written many safety protocols as a chemical safety officer for laboratories. I know all too well that human errors occur and protocols designed for safety are not always followed, whether unintentionally or not. There is NO GUARANTEE that this facility would not impact its surrounding environments in a negative way, as evidenced by the chemical plant explosion in Cary, NC a few years ago and incidents that have occurred at Plum Island or at other laboratories. What would happen if something like that would happen at NBAF, yet instead of hazardous chemical fumes in the air there would be something even more hazardous? How exactly do you contain all particulate matter that is exposed to hazardous viruses in the lab? How do you prevent mosquitoes or other small organisms from spreading something hazardous to the outside community? Also, will DHS be responsible for public accountability? What if this facility is transferred to the private sector? Who monitors this? 3|21.3

I do not think that promises of boosted economy, prestige, area growth, etc. by DHS and proponents override the safety of the local citizens and potential stress on the local government to handle situations that arise from such a facility in terms of providing water, resources in the event of an accident, emergency mass transportation for a significant local institutionalized patient/prisoner population in Butner, and road systems for transport into and out of the facility. Wake and Granville Counties already 4|15.3; 5|17.3; 6|19.3

Comment No: 1 Issue Code: 25.3
DHS notes the commentor's opposition to the Umstead Research Farm Site Alternative.

Comment No: 2 Issue Code: 26.0
DHS notes the commentor's statement. DHS prepared the NBAF EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and CEQ's regulations for implementing NEPA (40 CFR 1500 et seq.). The primary objective of the EIS is to evaluate the environmental impacts of the no action and site alternatives for locating, constructing and operating the NBAF. As summarized in Section 3.1 of the NBAF EIS, DHS analyzed each environmental resource area in a consistent manner across all the alternatives to allow for a fair comparison among the alternatives. Security would be provided by a series of fencing, security cameras, and protocols. In addition, a dedicated security force would be present on-site. Additional security could be provided via cooperation with local law enforcement agencies. A separate Threat and Risk Assessment (designated as For Official Use Only)(TRA) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and are used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety.

An evaluation of roads that could be affected by the proposed NBAF was performed and is included in Section 3.11.7.

DHS notes the commentor's concern regarding the state and local government's cost associated with constructing the NBAF. Funding for the design, construction, and operations for the NBAF will come from the Federal government. Proposals for offsets to the site infrastructure (part of the construction costs) were requested by the Federal government. The decision as to what to offer (land donation, funding, other assets) is solely as the discretion of the consortium, state and local officials as part of the consortium bid site package. The amount of funding and how the funding is paid for (bonds, taxes, etc) is determined by the state and local government officials and not the decision of the Federal government.

A preliminary cost of the proposed NBAF for each site was included in Section 2.5 for informational purposes only and did not distinguish costs to be incurred by local, state, and Federal entities.

Section 3.3 and Section 3.13 describe the potential effects of wastewater and waste management for the NBAF at the potential site alternatives. Issues regarding the potential mutation of disease-causing agents and avian diseases are not in the scope of the NBAF EIS, which evaluates the environmental impact of the no action alternative and the alternatives for constructing and operating the NBAF.

Comment No: 3 Issue Code: 21.3

DHS notes the commentor's concerns. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. As described in Chapter 3 and summarized in Section 2.5 of the NBAF EIS, the impacts of activities during normal operations at any of the six site alternatives would likely be minor. Section 3.14 investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. Appendix B to the EIS describes biocontainment lapses and laboratory acquired infections. Laboratory-acquired infections have not been shown to be a threat to the community at large. An analysis of potential consequences of a pathogen (e.g. Rift Valley fever virus) becoming established in native mosquito populations was evaluated in Section 3.8.9 and Section 3.10.9 as well as in Section 3.14. Section 3.13 describes the processes that would be used to control and dispose of liquid and solid waste from the NBAF, and Sections 3.3 and 3.7 describe standard methods used to prevent and mitigate potential effects of spills and runoff. Since the method of carcass disposal has not yet been determined, the effects of both alkaline hydrolysis and incineration were included in the analysis presented in Section 3.13. Incineration has the potential to affect air quality, so the evaluation in Section 3.4 (Air Quality) assumed only incineration would be used to assess the greatest adverse effect . Alkaline hydrolysis would have the greatest effect on sanitary sewage capacity, Section 3.3, so the sanitary sewage effects were determined using this method. The risk of an accidental release of a pathogen is extremely low. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols and emergency response plans would be developed, in coordination with local emergency response agencies that would consider the diversity and density of human, livestock, and wildlife populations residing within the area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF. RVF and FMD SOPs and response plans would likely include strategies that are similar. However, the RVF response plan would also include a mosquito control action plan.

Comment No: 4 Issue Code: 15.3

DHS notes the commentor's concern for evacuation of institutionalized individuals. The risks and associated potential effects to human health and safety were evaluated in Section 3.14 of the EIS. The risks were determined to be low for all site alternatives.Once the ROD has been signed and prior to the initiation of NBAF operations, a site-specific emergency management plan will be developed that will be coordinated with the local Emergency Management Officer and will include contingency plans for potentially affected residents and institutions.

Comment No: 5 Issue Code: 17.3

DHS notes the commentor's concerns regarding traffic and transportation related issues. A discussion of the low risk associated with the shipment of infectious materials to the NBAF operation at the Umstead Research Farm Site Alternative is provided in Section 3.11.7 of the NBAF EIS, in conjunction with an analysis of accidental releases during transportation as provided in Section 3.14, Health and Safety. An evaluation of the existing road conditions and potential effects to traffic and transportation from the Umstead Research Farm Site Alternative is provided in Section 3.11.7 of the NBAF EIS. An emergency response plan that would include area evacuation plans would be developed if one of the action alternatives is selected and prior to commencement of NBAF operations.

Comment No: 6 Issue Code: 19.3

DHS notes the commentor's concerns regarding an accident. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. As described in Chapter 3 and summarized in Section 2.5 of the NBAF EIS, the impacts of activities during normal operations at any of the six site alternatives would likely be minor. Section 3.14 investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific training for local emergency responders would be conducted and protocols and emergency response procedures developed in coordination with local emergency response agencies. Emergency response procedures would address special consideration populations (i.e. institutionalized patient or prisoner populations) residing within the local area.

Bolick, Natasha

Page 2 of 2

WD0401

4 cont.| 15.3; 7|12.3; 5 cont.| 17.3; 6 cont.| 19.3

are bursting at the seams with population, stressed to provide water (particularly with the drought situations over the past year), and can't update roads fast enough to accommodate the traffic and population growth we already have. And how do you transport 7000+ institutionalized individuals, living right in Butner, if there is an incident? You cannot just pull a bus up and ask them all to load up in an organized fashion! Prisoners may look for a chance to escape in the chaos and those with more severe mental disabilities with the capacity to hurt themselves or others would have to be restrained or isolated from others. Please do not ask workers at these facilities to bear the burden of that responsibility.

One of DHS's main reasons for this facility is the need is for studying "HIGH CONSEQUENTIAL THREATS" such as zoonotic diseases that can be transmitted from humans to animals, potential bioterrorism weapons, etc. I personally do not want to live 25 miles from such a facility. I do not want it

4 cont.| 15.3

near my family and friends in [redacted]; not to mention I can only imagine what this will do to their property value. This is a quaint small town community; please do not ruin it and run away local residents by putting the NBAF there. As a [redacted] resident, I do not want it near my water supply. I do not want

5 cont.| 17.3; 3 cont.| 21.3; 6 cont. 19.3

trucks carrying viruses, bioterrorism weapons, waste to be incinerated, etc. driving on the same [redacted] and [redacted] roads that I drive on. If there is an accident, who responds? How are these disease prevented from being unleashed when there is an accident, either on the road or at the facility? Again, there are NO guarantees. The local emergency response teams such as police and firefighters are prepared for small community incidents. Do not ask them to respond to accidents dealing with viruses for which there is no known cure or to participate in responses for incidents at the facility.

3 cont.| 21.3; 8|5.0

As DHS has admitted, there are no guarantees that these diseases could not escape to the mainland. So please, do not take that risk and gamble with lives of people and animals in a wonderful little community. Keep this facility off the mainland and most especially out of Butner, NC!!!!!

Despite my negative feelings regarding the NBAF and the way this has been handled by the NC Consortium, I do appreciate the service DHS offers to this country and would like to say thank you for

1 cont.| 25.3

that. I ask you to continue to honor the task to which you are assigned – protecting the citizens of the US – by keeping this out of Butner and not putting US citizens or their livelihood in harm's way.

Thank you for your time.

Kindest regards,

Natasha Bolick

Comment No: 7 Issue Code: 12.3

DHS notes the commentor's drought concerns and DHS acknowledges current regional drought conditions. As described in the Section 3.7.7.3.1 of the NBAF EIS, the South Granville Water and Sewer Authority has 3 to 4 million gallons per day of excess potable water capacity and could meet NBAF's need of approximately 110,000 gallons per day, less than 0.4% of the Authority's total current capacity. The NBAF annual potable water usage is expected to be approximately equivalent to the amount consumed by 210 residential homes.

Comment No: 8 Issue Code: 5.0

DHS notes the commentor's opposition to the five mainland site alternatives including the Umstead Research Farm Site Alternative.

Bollinger, Julie

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FD0058

NORTH CAROLINA STATE CLEARINGHOUSE
DEPARTMENT OF ADMINISTRATION
INTERGOVERNMENTAL REVIEW

Julie Bollinger

STATE NUMBER: 08-E-0000-0390 G01
DATE RECEIVED: 06/26/2008
AGENCY RESPONSE: 08/20/2008
REVIEW CLOSED: 08/25/2008

MS SHIRLEY FOYE
CLEARINGHOUSE COORD
DEPT OF TRANSPORTATION
STATEWIDE PLANNING - MSC #1554
RALEIGH NC

REVIEW DISTRIBUTION
CC&PS
CC&PS - DEM, NFIP
DENR LEGISLATIVE AFFAIRS
DEPT OF CUL RESOURCES
DEPT OF TRANSPORTATION
KERR TAR REGIONAL COG

AUG 2008 RECEIVED Secretary's Office DOA

PROJECT INFORMATION
APPLICANT: U.S. Department of Homeland Security
TYPE: National Environmental Policy Act
ERD: Draft Environmental Impact Statement
DESC: Alternative locations in 6 different states including Umstead Research Farm at Butner for the construction/operation of the National Bio & Agro Defense Facility in Granville County. Visit http://www.dhs.gov/nbaf for document
CROSS-REFERENCE NUMBER: 08-E-0000-0053

The attached project has been submitted to the N. C. State Clearinghouse for intergovernmental review. Please review and submit your response by the above indicated date to 1301 Mail Service Center, Raleigh NC 27699-1301. If additional review time is needed, please contact this office at (919)807-2425.

AS A RESULT OF THIS REVIEW THE FOLLOWING IS SUBMITTED:

☐ NO COMMENT
☒ COMMENTS ATTACHED

SIGNED BY: Julie Bollinger

DATE: 8-19-08

NCDA Fax:919-733-9571 Aug 25 2008 11:17 P.14

Bollinger, Julie

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FD0058

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

August 19, 2008

AUG 2008
RECEIVED
Secretary's Office
DOA

MEMO TO: North Carolina State Clearinghouse
Department of Administration
Intergovernmental Review

FROM: Julie B. Bollinger, E.I.
NCDOT-Transportation Planning Branch

SUBJECT: 08-E-0000-0390 Proposal of Alternative Locations including Umstead Research Farm at Butner for the Construction/Operation of the National Bio & Agro Defense Facility in Granville County

1|17.3 Thank you for allowing the Transportation Planning Branch to review this document. From the attached project description, proposed transportation plan improvements may be affected by the construction of the National Bio & Agro Defense Facility.

In the mutually adopted Granville County Comprehensive Transportation Plan approved June 2008, highway and bicycle improvements are recommended to Old Route 75 Hwy (SR 1004), Range Road (SR 1121) and Veasey Road (SR 1120).

2|23.3 Old Route 75 Hwy is recommended to be widened to a 4-lane divided boulevard with recommended on-road bicycle accommodations. These improvements are not in the 2009-2015 STIP.

Range Road is recommended to have on-road bicycle accommodations. This improvement is not in the 2009-2015 STIP.

Veasey Road is recommended to be widened to a 4-lane divided boulevard, from Old Route 75 Hwy to less than one-half a mile south of Old Route 75 Hwy. This recommendation is not in the 2009-2015 STIP.

I have enclosed a copy of the mutually adopted Granville County Comprehensive Transportation Plan maps for your review.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING BRANCH
1554 MAIL SERVICE CENTER
RALEIGH NC 27699-1554

NCDOT TPB
TRANSPORTATION PLANNING BRANCH
www.NCDOT.ORG

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601
Phone: 919-733-4705
Fax: 919-733-2417

NCDH Fax:919-733-9571 Aug 25 2008 11:18 P.13

Comment No: 1 Issue Code: 17.3
DHS acknowledges commentor's identification of new information regarding the the planned improvements to several of the transportation corridors associated with the NBAF operation at the Umstead Research Farm Site Alternative. DHS will document, review and incorporate all appropriate new and/or revised information for the NBAF final design.

Comment No: 2 Issue Code: 24.0
The information provided by the State of North Carolina Department of Transportation has been noted and considered in the development of the Final EIS.

Bollinger, Julie

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FD0058

2 Cont|23.3 I hope consideration of the roadway improvements and bicycle accommodations could be made in the finalization of plans for the construction of the new facility to reduce impacts to the projects mentioned above.

If you have any questions, please do not hesitate to call me at 919-733-4705.

Attachment

Bollinger, Julie

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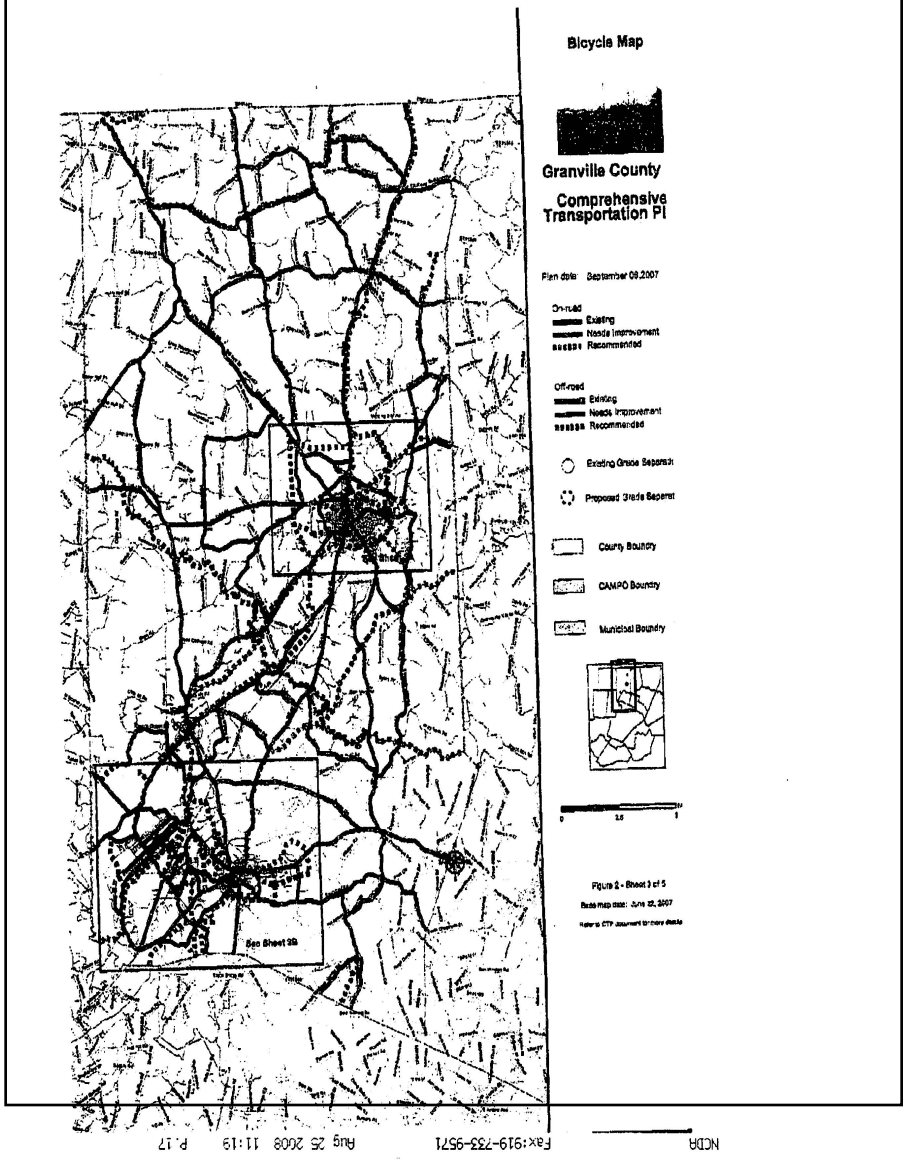
FD0058



Bollinger, Julie

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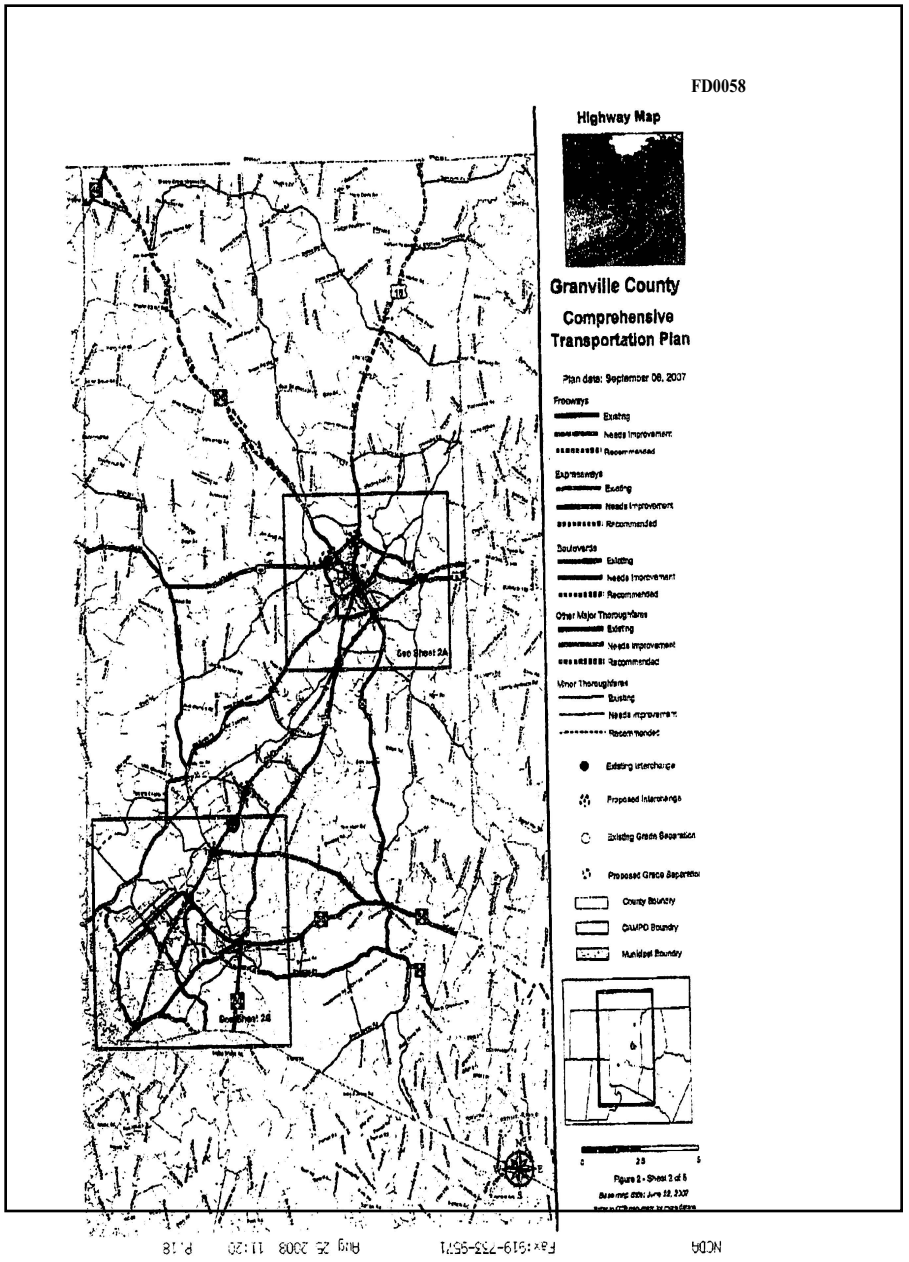

Boney, France

Page 1 of 1

WD0565

From: France Boney [redacted]
Sent: Sunday, August 24, 2008 5:17 PM
To: NBAFProgramManager
Subject: animal disease research lab in Athens

1| 12.2 1) There is not enough water in our area.
2) A treatment plant close to the University of Georgia is not working well and smells up a large area
2| 8.2 where students are living. People have been complaining about this for years and nothing has been done.
3| 9.2 I would think this is a priority for it has to be unhealthy.

4| 25.2 Please, do not place your lab in Athens. Why can't you put it on an island where it would be much safer
5| 5.0 for many reasons (not close to large community, access more difficult for a terrorist). Thanks for listening to me.
Sincerely, France Boney

Comment No: 1 Issue Code: 12.2
DHS notes the commentor's drought concerns and DHS acknowledges current regional drought conditions. As described in Section 3.7.3.3.1 of the NBAF EIS, the South Milledge Avenue Site alternative would use approximately 118,000 gallons per day of potable water, an amount that is approximately 0.76% of Athens' current annual average of 15.5 million gallons per day usage. The NBAF annual potable water usage is expected to be approximately equivalent to the amount consumed by 228 residential homes. The South Milledge Avenue Site alternative would have access to 3 surface water resources: the North Oconee River, the Middle Oconee River, and the Jackson County Bear Creek Reservoir. The access to 3 surface water resources will help ensure the availability of water in the event that any one of those sources becomes inadequate.

Comment No: 2 Issue Code: 8.2
DHS notes the commentor's concern about the Athens-Clarke County Public Utilities Department's ability to treat NBAF Wastewater. Section 3.3.3 of the NBAF EIS addresses both the current sewage system capacity and infrastructure and the sewage system improvements required to handle NBAF discharges. The NBAF would be designed and operated as necessary to prevent negative impact to the Athens-Clarke County Public Utilities sewage treatment capabilities resulting from flow rate or potentially harmful wastewater constituents. Specifically, as summarized in Section 3.15 of the NBAF EIS, pre-treatment of liquid waste streams would be implemented as necessary to meet treatment facility acceptance criteria, therefore avoiding potential impacts.

Comment No: 3 Issue Code: 9.2
See response to Comment No. 2.

Comment No: 4 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Comment No: 5 Issue Code: 5.0
DHS notes the commentor's concern. As described in Section 2.4.3 of the NBAF EIS, other potential locations to construct the NBAF were considered during the site selection process but were eliminated based on evaluation by the selection committee. It was suggested during the scoping process that the NBAF be constructed in a remote location such as an island distant from populated areas or in a location that would be inhospitable (e.g., desert or arctic habitat) to escaped animal hosts/vectors; however, the evaluation criteria called for proximity to research programs that could be linked to the NBAF mission and proximity to a technical workforce. The Plum Island Site is an isolated location as was suggested while still meeting the requirements listed in the Expression of Interest.

Bonfield, Thomas

Page 1 of 26

WD0818

From: Voorhees, Ted [Theodore.Voorhees@durhamnc.gov]
Sent: Monday, August 25, 2008 5:52 PM
To: NBAFProgramManager
Cc: Medlin, Steve; Luck, Keith; Bonfield, Thomas
Subject: NBAF Site Selection Process - Butner, NC
Attachments: NBAF Durham NC 8-25-08 PDF.pdf

<<NBAF Durham NC 8-25-08 PDF.pdf>>
TO: Mr. James Johnson, Department of Homeland Security

FROM: City of Durham, NC

RE: NBAF Site Selection

The message is ready to be sent with the following file or link attachments:

NBAF Durham NC 8-25-08 PDF

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Bonfield, Thomas

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DURHAM
1869
CITY OF MEDICINE

WD0818

OFFICE OF THE CITY MANAGER
101 CITY HALL PLAZA | DURHAM, NC 27701

U.S. Department of Homeland Security
Science and Technology Directorate
James V. Johnson
Mail Stop 2100
245 Murray Lane SW, Building 410
Washington, DC 20528

Dear Mr. Johnson,

1|25.3 The Durham City Council on August 18, 2008, voted to oppose the location of the National Bio and Agro Defense Facility in Butner, NC. The City Council's action was based on serious concerns about the safety of the proposed facility and questions unanswered in the
2|26.0 Draft Environmental Impact Statement (DEIS) related to the environmental impacts of siting this facility at the Umstead Research Farm. The major areas of concern are:

3|18.3 4|12.3 1) Incineration/waste management; water use; air quality; potential for release of pathogens;

5|9.3 2) A general lack of information specific to the site, facility design, and intended operations that impedes conclusions about impacts and risks for the Umstead site,
6|19.3 and;

7|23.0 3) Lack of substantial assurances about long-term commitments to safe maintenance of the facility and mission fidelity.

The following pages were prepared by the Durham City/County Environmental Affairs Board and detail specific concerns, why they are important to Durham, how they are inadequately addressed in the DEIS, and what information would be required in order to make a scientifically-defensible judgment of the environmental impact of this facility if it is sited at the Umstead Research Farm.

We thank you in advance for your consideration of these concerns.

Sincerely,

Thomas J. Bonfield
City Manager

Attachments

Comment No: 1 Issue Code: 25.3
DHS notes the Durham City Council's opposition to the Umstead Research Farm Site Alternative.

Comment No: 2 Issue Code: 26.0
DHS notes the commentor's concerns. The NBAF EIS was prepared to provide a thorough analysis of the aspects of NBAF construction and operations at the six site alternative locations. The potential impacts of NBAF operations on environmental resources, health and safety, and on local transportation are discussed in Chapter 3 of the NBAF EIS.

DHS held a competitive process to select potential sites for the proposed NBAF as described in Section 2.3.1 of the NBAF EIS. A team of federal employees representing multi-department component offices and multi-governmental agencies (i.e., DHS, U.S. Department of Agriculture, and Department of Health and Human Services) reviewed the submissions based primarily on environmental suitability and proximity to research capabilities, proximity to workforce, acquisition/construction/operations, and community acceptance. Ultimately, DHS identified five site alternatives that surpassed others in meeting the evaluation criteria and DHS preferences, and determined that they, in addition to the Plum Island Site, would be evaluated in the EIS as alternatives for the proposed NBAF.

Comment No: 3 Issue Code: 18.3
DHS notes the commentor's concerns about incineration and waste management. Section 3.13.2.2 in Chapter 3 of the DHS EIS for the NBAF addresses the wastes that will be generated by the operation of the facility including liquid wastes that will be discharged to the sanitary sewer (see Table 3.13.2-2), and waste solids that will be sent offsite for further treatment and disposal. These tables also identify the pretreatment methodologies applicable to potentially infectious waste streams to render them non-infectious. All of the wastes that would be generated by the primary carcass and pathological waste disposal methods under consideration (i.e., incineration, alkaline hydrolysis, and rendering) are represented on these tables too. Because the method of carcass and pathological waste disposal has not yet been determined, Section 3.4. of the EIS (Air Quality) assumes that the treatment technology with the greatest potential to negatively impact air quality, incineration, will be used to assess the maximum adverse impact. Similarly, because alkaline hydrolysis would have the greatest impact on sanitary sewage capacity, Section 3.3 of the EIS (Infrastructure) assumes that alkaline hydrolysis will be used to assess the maximum adverse impact.

Comment No: 4 Issue Code: 12.3
DHS notes the commentor's concern regarding water resources and acknowledges the current regional drought conditions. As described in Section 3.7.7.3.1 of the NBAF EIS, the South Granville Water and Sewer Authority has 3 to 4 million gallons per day of excess potable water capacity and could meet NBAF's need of approximately 110,000 gallons per day, currently less than 0.4% of the

Authority's total current capacity. The NBAF annual potable water usage is expected to be approximately equivalent to the amount consumed by 210 residential homes. The NBAF design does not include any use of groundwater resources and based on SGWASA's available surface water capacity, the NBAF would have minimal effects on local potable water resources.

Comment No: 5 Issue Code: 9.3

DHS notes the commentor's air quality concerns. DHS acknowledges the Triangle's (including Granville County) re-designation from non-attainment to attainment including an SIP modification for a vehicle maintenance program. The potential effects of NBAF operations on air quality are discussed in Section 3.4 of the NBAF EIS and includes the potential effects from incineration. Section 3.4.1 describes the methodology used in assessing potential air quality consequences at each site. Carcass/pathological waste disposal, including incineration, is discussed in Section 3.13. Conservative assumptions were used to ensure the probable maximum effects were evaluated. Once the final design is determined, a more refined air emissions model will be used during the permitting process and a modeling protocol will be developed incorporating criteria, TAPs and HAPs. The final design will ensure that the NBAF does not significantly affect the region's ability to meet air quality standards.

Comment No: 6 Issue Code: 19.3

DHS notes commentor's concern that the NBAF EIS lacks sufficient site specific information for purposes of public evaluation. DHS prepared the NBAF EIS in accordance with the provisions of NEPA (42 U.S.C. 4321 et seq.) and CEQ's regulations for implementing NEPA (40 CFR 1500 et seq.). Since the inception of the NBAF project, DHS has supported a vigorous public outreach program and has been as forthcoming as possible in disseminating information about NBAF as program planning has matured over time. DHS has made every effort to explain the operational aspects of NBAF and has fully detailed the expected research to be conducted at the facility. The primary objective of the EIS is to evaluate the environmental impacts of a range of reasonable alternatives for locating, constructing and operating the NBAF. A period of 60 days was provided for public review and comment on the NBAF EIS, which spanned from June 27 through August 25, 2008. During this comment period, public meetings were held in of the vicinity of the NBAF site alternatives and in Washington, D.C. DHS also accepted comments submitted by mail, toll-free telephone and fax lines, and online through the NBAF Web page (http://www.dhs.gov/nbaf). All comments, both oral and written, received during the comment period were given equal consideration and were responded to in the NBAF EIS. A Record of Decision (ROD) that explains the final decisions will be made available no sooner than 30 days after the NBAF EIS is published.

DHS notes commentor' objection to the use of non-governmental personnel for NBAF security functions.

Comment No: 7 Issue Code: 23.0

DHS notes the commentor's concerns about long-term funding for NBAF to ensure safe operations. The U.S. Congress and the President are responsible for determining funding priorities for government programs. DHS spends funds in accordance with congressional intent. DHS would maintain the NBAF and ancillary facilities in compliance with applicable environmental, safety, and health requirements and provide for safe operation and maintenance.

DHS notes the commentor's concern that a detailed construction schedule is not included in the NBAF EIS. The analysis conducted in the NBAF EIS was based on conceptual design plans posted on the DHS website. More detailed design plans would be developed as the project moves into the final design phase. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols, including detailed construction plans, would be developed that would consider the diversity and density of populations residing within the local area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF.

DHS notes the commentor's concern that site-specific emergency response plans for potential pathogen release are not included in the NBAF EIS. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols and emergency response plans would be developed, in coordination with local emergency response agencies that would consider the diversity and density of human, livestock, and wildlife populations residing within the area. DHS would have site-specific standard operating procedures and emergency response plans in place prior to the initiation of research activities at the proposed NBAF. It has been shown that modern biosafety laboratories can be safely operated in populated areas. An example is the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, where such facilities employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of NBAF.

DHS notes commentor's concern that the specific details of the Institutional Biosafety Committee's (IBC) interface with the NBAF and the protocol for the selection of a community representative are not clearly provided in the NBAF EIS. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols and plans and oversight functions would be developed, in coordination with local agencies that would consider the diversity and density of human, livestock, and wildlife populations residing within the area. DHS would have site-specific standard operating procedures, operational oversight and emergency response plans in place prior to the initiation of research activities at the proposed NBAF.

As stated in Section 2.2.2 of the NBAF EIS, the NBAF may be operated as a Government

Owned/Government Operated Facility (GOGO) or as a Government Owned/Contractor Operated Facility (GOCO). DHS has not yet determined the management configuration and associated staffing model. Regardless of the configuration selected and whether federal or contractor security staff is employed, the NBAF would have the levels of protection and control required by applicable DHS security directives. As set out in Section 3.14.3.4 of the NBAF EIS, employees and contractors will be screened prior to employment or engagement and monitored while working, among other security measures.

DHS notes the commentor's concerns regarding the future decommissioning of the NBAF. Disposal and decontamination (killing or inactivation of bacteria and fungi and viruses, respectively) procedures have a long and proven history of effectiveness for pathogens studied in both BSL-3 and BSL-4 laboratories. Section 2.2.3 of the NBAF EIS discusses the types of laboratory procedures and decontamination protocols to be developed for the decommissioning of the NBAF. Such plans would include decontamination methodologies, disposion of used equipment, disposal of site materials, and post-decontamination monitoring.

DHS notes the commentor's concern about apportionment of financial liability for medical treatment in the event of a pathogen release. However, it is not possible to determine in advance who might be responsible for an incident. DHS will follow applicable local, state, and federal law, whether in asserting or defending against a claim for damages should a pathogen be released from the NBAF.

DHS notes the commentor's concern for security at the Umstead Research Farm site. Regardless of location, the NBAF would have the levels of protection and control required by applicable DHS security directives. Security would be provided by a series of fencing, security cameras, and protocols. In addition, a dedicated security force would be present on-site. Additional security could be provided via cooperation with local law enforcement agencies. A separate Threat and Risk Assessment (TRA) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The TRA is "For Official Use Only." The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and would be used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety. Because of the importance of the NBAF mission and the associated work with potential high-biocontainment pathogens, critical information related to the potential for adverse consequences as a result of intentional acts has been incorporated into the NEPA process.

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City of Durham
Specific Concerns about the Draft Environmental Impact Statement for the Proposed National Bio and Agro Defense Facility

2 cont.|26.0 **Comment #1**. The site selection criteria under which the Umstead Research Farm was identified were developed to ensure that NBAF would meet the needs of DHS and USDA and do not include the environmental, geological or social concerns of the local communities near the actual site.

City and County of Durham Comment:
The DEIS provides the following information about site selection criteria:

2.3.1 Alternative Site Selection Process

"These [four] evaluation criteria were developed by an interagency working group to ensure that NBAF would meet the purpose and need of the project and the interdependent needs of DHS and USDA to adequately protect the nation against biological threats to animal agriculture. The four evaluation criteria were
1. Proximity to Research Capabilities
2. Proximity to Workforce
3. Acquisition/Construction/Operations
4. Community Acceptance"
(DEIS, Section 2.3.1, p. 2-10)

Note: The criteria were developed to ensure that NBAF would meet the needs of DHS and USDA and were not developed to meet the needs of the communities where they were sited, nor environmental, geological, or social concerns of those near the actual site.

"A Steering Committee, also comprised of only federal employees, made recommendations to the DHS Selection Authority, who selected those sites that had sufficient qualifications with regard to the evaluation criteria (and would therefore be further considered in a second round of evaluations) and eliminated some sites for further consideration due to weaknesses and/or deficiencies with respect to the following evaluation criteria:
1. Lack of proximity to existing BSL-3 or BSL-4 research programs that could be linked to NBAF mission requirements.
2. Difficulty in demonstrating ability to attract world-class researchers and scientists or skilled technical workforce with necessary experience.
3. Insufficient infrastructure, utilities, or other siting difficulties.
4. Insufficient community support for siting of NBAF."
(DEIS, Section 2.3.1, p. 2-10)

Note: The refined selection criteria were developed only by federal employees and again reflect only the needs of DHS and USDA (with the possible exception of #4).

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"In December 2006, DHS communicated its preference for certain evaluation criteria that would be considered by the federal employee evaluation committee in the second round of DHS's site selection process.

These DHS preferences were that
1. The proposed site be within a comprehensive research community that has existing research programs in areas related to NBAF mission requirements;
2. The proposed site be within proximity to skilled research and technical staff with expertise in operations conducted at biological and agricultural research facilities and be within proximity to training programs for such expertise;
3. Title to at least a 30-acre site would be deeded at no or minimal cost to the U.S. Government and all NBAF construction (BSL-3 and BSL-4 laboratories) could occur at the 30-acre site;
4. In-kind contributions (e.g., support to the NEPA process, deeded land, new utilities, roads, chilled and steamed water) would be donated by proposing consortia;
5. The proposed site is environmentally suitable; and
6. The proposing consortia could demonstrate that local and national stakeholder community members' support, or at least do not oppose, locating the NBAF at the proposed site."
(DEIS, Section 2.3.1, pp. 2-10 to 2-11)

Note: These additional criteria are not criteria that relate to the needs of the individual communities but rather reflect the desires of DHS and USDA.

Figure 2.3.1-1 — Site Selection Process

From the perspective of DHS, Figure 2.3.1-1 represents the extent of the site selection process and the criteria mentioned above the sole basis for determining where NBAF will be located.
(DEIS, Section 2.3.1, p. 2-10)

Discussion:
Unlike officials seeking to site hazardous waste facilities, maximum security prisons, or nuclear power plants, scientists and administrators proposing to site Biosafety Levels 3 and 4 labs, housing deadly viruses, do not have to follow siting criteria established in statute or rule. Rather, the siting authorities worry only about whether the proposed site will meet the needs of DHS and NBAF: universities and research facilities nearby, whether adequate infrastructure exists; how near the site is to a reliable airport, whether state or federally owned property is available for easy acquisition and whether a sufficiently educated workforce exists near the site to staff the facility.

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The diseases studied at PIADC have been determined to be highly contagious. To contain the highly contagious "foot-and-mouth" disease (FMD,) Congress enacted legislation in 1948 to prohibit the introduction of the virus (for research or other purposes) to the mainland of the United States unless a special exception is granted[1]

Several bills eliminating the prohibition on mainland research of foot-and-mouth disease have been introduced during the 100th Congress:[2] On May 22, 2008 the United States Government Accountability Office (GAO) provided testimony before the Subcommittee on Oversights and Investigation, Committee on Energy and Commerce, House of Representatives entitled "High Containment Biosafety Laboratories: DHS Lacks Evidence to Conclude that Foot-and-Mouth Disease Research Can be Done Safely on the Mainland."[3] Nancy Kingsbury, Managing Director, Applied Research and Methods, GAO, testified that:

> We found that DHS has neither conducted nor commissioned any study to determine whether FMD work can be done safely on the U.S. mainland. Instead, DHS relied on a study that USDA commissioned and a contractor conducted in May 2002 that examined a different question: whether it is technically feasible to conduct exotic disease research and diagnostics, including FMD and rinderpest, on the U.S. mainland with adequate biosafety and biosecurity to protect U.S. agriculture. [4] This approach fails to recognize the distinction between what is technically feasible and what is possible, given the potential for human error. DHS told us that this study has allowed it to conclude that it is safe to conduct FMD work on the U.S. mainland.
>
> In addition to a number of other methodological problems with the study, we found that it was selective in what it considered in order to reach its findings[5]. In particular, the study
>
> 1. did not assess the history of releases of FMD virus or other dangerous pathogens,
> 2. did not address in detail the issues related to large animal work in BSL-3 Ag facilities, and
> 3. was inaccurate in comparing other countries' FMD work experience with that of the United States.

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1 21 U.S. Code section 113a.

2 H.R. 1717; S. 2302; H.R. 2419.

3 GAO, High Containment Biosafety Laboratories: DHS Lacks Evidence to Conclude that Foot-and-Mouth Disease Research Can be Done Safely on the Mainland.,GAO-08-821T

4 SAIC, *United States Department of Agriculture Biocontainment Feasibility Studies, Study Report.* The study examined a number of other questions concerning a possible move of PIADC to the mainland, in addition to the questions on technical feasibility regarding biosafety and biosecurity.

5 Among other things, (1) the study used an ad hoc method to select its expert panel that was not necessarily free from bias; (2) the study report was written by a single third-party person under contract for that purpose who was not present during the panel discussions; and (3) no concern was taken to ensure that the expert panel members reviewed either the draft or the final version of the report. At least one expert panel member expressed disappointment with the slant of the report.

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A comprehensive analysis to determine if FMD work could be conducted safely on the U.S. mainland would have considered these points, at a minimum. DHS did not identify or remedy these deficiencies before using the USDA study to support its conclusions. Consequently, we believe DHS does not have the evidence to conclude that FMD work can be done safely on the U.S. mainland.[6]

Further, Ms. Kingsbury noted in a footnote that "[As] required by the National Environmental Policy Act, DHS must prepare an EIS for each of the six potential NBAF sites. DHS told us that each EIS will contain an analysis of site-specific environmental consequences, given, among other things, an accidental release of FMD at the site. However, DHS would not give us specifics on what this analysis will entail[7].

Appendix D of the DEIS deals with the economic consequences of a release of FMD but does not address environmental consequences of a release. The discussion is couched in general terms rather than addressing site-specific issues.

Appendix E of the DEIS contains accidental release scenarios and mentions FMD. However, these references do not comply with the GAO requirement that the DEIS contain "an analysis of site-specific environmental consequences of an accidental release of FMD at the site." In this appendix, the discussion of FMD is either not site-specific or it does not analyze environmental consequences of a release or it does neither.

Siting NBAF on the mainland would require use of an exception or change in federal law. Such an approach would not consider the site-specific characteristics of the six proposed sites. GAO's concerns have not been addressed in the DEIS, a prerequisite to such change.

2 cont.|26.0 In proposing the six sites for NBAF, DHS has developed siting criteria related to its goals and has failed to set any standards or guidelines regarding the density of the population, the topography or geology of the land, the availability of emergency resources for the potentially dangerous facility or the economic hardship providing those emergency or other services would place on the surrounding cities and towns.

[6] Id. footnote 3.at p. 12
[7] Id. at 12

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8|13.3 **Comment #2.** Construction and operation of the NBAF will impact rare, threatened or endangered species on or near Umstead Research Farm.

City and County of Durham Comment:
The DEIS states that in Granville County, there are three species plants and mussels that are federally-listed as threatened or endangered. There are also 37 wildlife species in the county that are listed by the state as being "significantly rare" (a status that does not confer any legal protection.) As to the impact of siting NBAF at Umstead Research Farm, the DEIS states:

> "A database review conducted by the NCNHP did not identify any known occurrences of rare, threatened, or endangered species within the boundaries of the proposed NBAF site or within a 0.7-mile radius of the site. However, occurrences of the federally endangered smooth coneflower (Echinacea laevigata), multiple state-listed plant species, and several state-listed mussels were identified just outside of the 0.7-mile radius."
> (DEIS, Section 3.8.7.1.5, p. 3-199)

Discussion:
While the DEIS indicates that no threatened or endangered species have been found within the project boundaries, it does indicate that some have been found nearby. It does not state explicitly whether the proposed NBAF site itself or its immediate environs have actually been examined to determine whether any of such species are present. Nor does it indicate whether a recent ecological assessment has been performed.

8 cont.| 13.3

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DHS notes the commentors concern regarding rare, threatened, and endangered species in the vicinity of the Umstead Research Farm Site. Section 3.8.7.1.5 of the NBAF EIS provides a detailed description of endangered and rare species and significant natural areas that occur in the vicinity of the proposed NBAF site. Furthermore, Section 3.8.7.1.5 describes the results of surveys for endangered species and potential habitat that were conducted at the proposed NBAF site. The potential effects of the proposed NBAF on rare and endangered species are addressed in Sections 3.8.7.2.5 and 3.8.7.3.5. The NBAF EIS indicates that the site does not contain suitable habitat for terrestrial rare or endangered species. Small headwater streams on site represent marginal potential habitat for rare mussel species that are known to occur outside of the proposed NBAF site; however, neither these streams nor their required Neuse River Watershed vegetated buffers would be impacted by the proposed NBAF.

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5|9.3 **Comment #3.** Construction and operation of the NBAF will impact ozone, $PM_{2.5}$, and hazardous air pollutant concentrations in Granville and Durham counties

City and County of Durham Comment (criteria pollutants):
The DEIS provides these estimated annual (rather than daily) emission rates for VOC and NOX (precursors of ground-level ozone), as well as PM10, during construction and operations:

Source	NOx (tons/yr)	VOCs (tons/yr)	PM10 (tons/yr)
Construction, maximum per year over 4 years	135.3	32.8	-
Operational emissions from boilers	74.7	5.9	1
Back-up power, extreme scenario	71.2	4.3	-
Vehicle emissions	117	12	4
Incinerator estimates	40	-	14

(DEIS, Tables 3.4.3.2.2-1, 3.4.7.3.2-1, 3.4.7.3.2-2, 3.4.3.3.2-2, 3.4.3.3.2-6, 3.4.3.3.2-5)

In reference to impacts on ground-level ozone, the DEIS implies that ozone levels in Butner are not a concern, stating:

> "An ambient air O3 monitoring site is located in Butner at the John Umstead Hospital water treatment plant. This monitoring site has been operational since 1979 and has not reported any O3 concentrations that exceed the NAAQS". (DEIS, Section 3.4.7.1.2, p. 3-80)

Discussion:
Granville County is part of the North Carolina Triangle 8-hr ozone nonattainment area. With the Triangle SIP plan, the weighted future design value in Butner is 0.078. (http://daq.state.nc.us/planning/2005_July13_Triangle_RMT_Ozone_Stakeholder_Presentation.ppt#812,93,Slide93), a value that was sufficient with the older ozone standard, but above the newer standard. Even without the projected increase in NOx and VOC emissions related to the NBAF, additional emission decreases would have to be obtained to reduce the concentrations
5 cont.|9.3 below the NAAQS.

It is true that the ozone monitor at the Butner water treatment plant site has barely missed exceeding the NAAQS in the past because of the three-year averaging period, but if the new, lower standard had been in place, Butner would have exceeded the NAAQS. So far in 2008, the Butner monitor had already exceeded the new ozone standard by July 17, halfway through the ozone season. The additional projected emissions of NOx and VOC associated with construction, operation, and additional vehicle traffic is expected to increase ozone in Butner. The Durham

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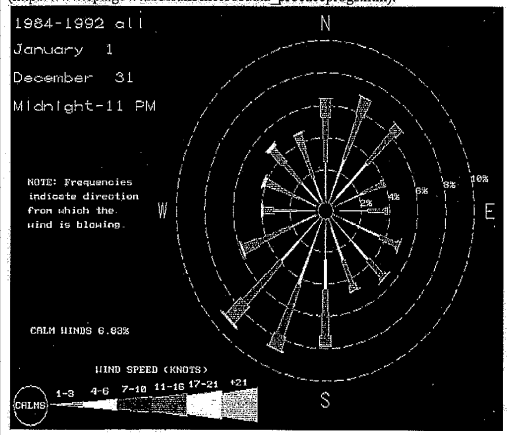
monitor has also exceeded the new NAAQS in previous years. While the DEIS correctly states that the wind direction is primarily from the southwest, away from Durham:

> "Wind data summary from 1930 to 1996, show the prevailing wind direction as southwest and the mean wind speed as 8 mph."
> (DEIS, Section 3.4.7.1.1, p. 3-79)

climatological records show that approximately 30% of the time the wind blows from the northeast, towards Durham County (Figure 1), which would enable background ozone and ozone precursors to be transported into Durham, building on top of local emission sources.

5 cont.J9.3

Figure 1: Wind roses showing climatological wind directions at nearest National Weather Service site (RDU), based on data from National Weather Service (retrieved from http://www.epa.gov/scram001/surfacemetdata.htm#nc) and using the WRPLOT program (http://www.epa.gov/ttn/scram/metobsdata_procaccprogs.htm).



Construction and operation of NBAF are likely to exacerbate existing air quality problems not only in Butner, but also in Durham County, possibly affecting the region's compliance with standards for ozone. Without a detailed modeling analysis, which is not provided in the DEIS, it is impossible to determine how these additional emissions would affect Durham and Granville county ozone air quality.

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City and County of Durham Comment (particulate matter):
In reference to particulate matter, the DEIS notes the potential for difficulty in demonstrating compliance with the PM2.5 standard. It states:

> "Operational effects of the NBAF at the Umstead Research Farm Site would be similar to those of the South Milledge Avenue Site. Most criteria pollutant impacts were less than NAAQS. Only PM2.5 exceeded the NAAQS. The ratio of background concentration of PM2.5 to the NAAQS ranges from 69% to 89%, making demonstration of compliance with the PM2.5 standard difficult without further evaluation. As previously stated, PM2.5 exceeded the NAAQS at all sites. Measures to demonstrate compliance of the PM2.5 emissions were previously described in Section 3.4.3.3.2." (DEIS, Section 3.4.7.3.2, p. 3-82)

and

5 cont.|9.3

> "Further differentiation of potential sites from an air quality compliance perspective, in particular as related to PM2.5, would likely not be cost effective from a dispersion modeling standpoint given the currently known operational parameters. Meaningful refined dispersion modeling, using the currently accepted EPA model, AERMOD, would require an extensive effort, on a site by site basis. A preferred course of action to demonstrate compliance of the PM2.5 emissions would include one or more of the following steps:
> • Enter into detailed discussions with respective state regulators to ascertain whether or not available ambient PM2.5 background values are representative of proposed site conditions and whether or not adjustments are appropriate.
> • Refine stack parameters to incorporate less conservative assumptions (higher temperature, higher velocity, taller stack, etc).
> • Refine emissions inventory to better reflect the actual particle size distribution to be emitted from the proposed sources.
> • Obtain a more definitive description of the proposed air emissions control technologies and associated removal efficiencies of $PM_{2.5}$.
> If this approach fails to demonstrate compliance for a preferred site, then a refined dispersion modeling demonstration may be appropriate, using the refined emissions inventory and stack parameters determined in the above methodology. (DEIS Section 3.4.3.3.2, p. 3-67)

Discussion:
The Durham design value for $PM_{2.5}$ is 13.4 ug/m3, below the standard of15 ug/m3. There is no $PM_{2.5}$ monitor in Granville County, so we do not know how close the current values are to the NAAQS. If the additional emissions indeed push the area into non-compliance, that is of great concern to both Durham and Granville counties. The crude analysis presented in the DEIS (to the extent one can interpret it, given the lack of details) states that the presence of the NBAF will send the county into nonattainment with $PM_{2.5}$. The DEIS states that they have not performed a more detailed, site-specific modeling but implies that a more detailed modeling study would show a different answer (i.e. attainment). There is no reason to believe that use of AERMOD will show compliance with the standard. We also note that dispersion models such as AERMOD

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do not adequately account for long range transport of fine particulate or secondary formation of particulate matter, both of which could affect Durham County.

City and County of Durham Comment (hazardous air pollutants):
In reference to hazardous air pollutants (HAPs), the only emissions listed are from incineration of animal carcasses, bedding and waste feed. The method that the DEIS used to create these estimates is described as:

> "Table 3.4.3.3.2- 5 presents an emission correlation developed using 2002-2005 estimated annual average emissions for PIADC developed from the 2004 PIADC stack testing results. The refuse used during the 2004 evaluation was screened of all metals and municipal wastes, and the stack testing refuse loads were only carcasses, bedding, and waste feed. The PIADC emissions evaluation used an annual average load rate of 62 tons/year and the ratio association included the PIADC permitted (worst case) rate 7,008 tons/year. The NOx emissions were fuel based and not refuse based. The NOx ratio was developed from the PIADC annual average hours of operations of 1,000 hr/yr and a worst-case year-round operation (8,760 hr/yr). The ratio exercise was an order of magnitude analysis and would be refined following final alternative and waste disposal method determination." (DEIS, page 3-66).

5 cont.|9.3

Table 3.4.3.3.2-5 of the DEIS (page 3-67) lists potential emissions of several HAPs from estimated incinerator operations, including hydrogen chloride (4.40 tons/year), mercury (0.56 tons/year), arsenic (1.01 tons/year), beryllium (0.45 tons/year), cadmium (1.24 tons/year) chromium (9.90 tons/year) and lead (16.30 tons/year).

Discussion:
The estimation method for HAPs is poorly described and lacks detail; we cannot determine how these numbers were developed. Without this detail, it is impossible to determine whether or not the estimation method is valid. The reported values must either be in error or are of grave concern because the reported emissions are 10 to 1000 times higher than any other point sources in Durham County. The estimate in the DEIS only includes carcasses, bedding and waste feed, but does not include any laboratory waste, medical waste, etc. Will some of this laboratory waste be incinerated also? It is impossible to have any confidence in the reported emissions given the uncertainty in the disposal method, the unknown estimation method, the limited waste feed and the error in the reported values. What is clear is that if incineration is a chosen method for waste disposal, there will be emissions of HAPs from the facility.

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City and County of Durham Comment (overall):

In summary, the DEIS states:

> "The proposed pathological waste disposal method for the NBAF has not been determined at this time and would be an influencing factor on facility air emissions " (DEIS, page 3-57).

and

> *"Air Quality.* As described in Section 3.4 (Air Quality), there would be unavoidable effects to air quality during site preparation and construction. Measures to reduce the effects have been described, but not all air pollutants would be eliminated. There would be additional effects to air quality from operation of the proposed NBAF, including effects from a back-up generator system and a boiler system, as well as from operation-related traffic."
> (DEIS, Section 3.16, p. 3-509)

Discussion:

Given that the Triangle nonattainment area will already be struggling with emission reductions to maintain the NAAQS in coming years, much thought must be given before adding another major point source as well as additional on-road and non-road vehicle sources of criteria emissions.

5 cont.|9.3 The models used to estimate criteria pollutant loadings are only screening models, designed to obtain an "order or magnitude" estimate and provide little confidence that the emissions will not adversely affect the air quality in the Granville and Durham airsheds. Without further detail, it is impossible to determine the magnitude of toxic air pollutant emissions on local air pollution. The health thresholds for HAPs are highly uncertain and their emissions should be minimized.

There are additional, unquantifiable impacts to air quality associated with accidental release of a pathogen. Aerial spraying of pesticides to control mosquito populations and death/disposal of cattle, deer and pig populations could cause severe consequences to air quality.

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7 cont.|23.0 **Comment #4.** The construction schedule is incomplete.

City and County of Durham Comment:
The DEIS describes its timeframe for construction as follows:

> **2.2.1.2 Construction Schedule and Activities**
> Construction of the proposed NBAF would start in early 2010 and take approximately 4 years to complete. The project would provide approximately 700 construction-related jobs per year. A detailed description of construction activities would be prepared once a site has been selected. However, the effects of construction activities on the various resources have been considered in this DEIS based on assumptions derived from the *NBAF Conceptual Design and Feasibility Study* and other sources. The details of those assumptions are presented in Chapter 3 for each site alternative.
>
> In all likelihood, the construction manager at risk or construction manager as constructor (CMc) methodology would be employed for construction operations.
>
> During construction, good housekeeping practices would be followed. Construction materials would include inert building materials such as concrete, glass, masonry, wood, insulation, plastics, sheetrock, and metal beams and piping. These materials would be stored neatly within designated staging areas. Construction would also require the use of some chemicals such as paints, solvents, fertilizers, oil, grease, fuel, and welding gases. These chemicals would be stored in protected areas. During construction, the manufacturer's recommendations for proper use and disposal would be followed for chemicals and materials. Whenever possible, all of a product would be used before disposing of the container. Equipment maintenance and repair would be conducted in designated areas to control oil, grease, and fuel spills. In addition, fuel storage and dispensing during construction would occur in a designated staging area at the construction site.
>
> Wastes generated by site preparation and construction activities are expected to be predominately nonhazardous. After construction of the facility, site soil and rock removed during construction would be returned and used as landscaping to the degree that it is practicable. Landscaping would use native trees, shrubs, and groundcover. Sustainable building practices would be employed where safety allows."
> (DEIS, Section 2.2.1.2, p. 2-4)

Discussion
7 cont.| 23.0 The title of this subsection, "Construction Schedule and Activities," is misleading. There is no detailed discussion of a construction schedule other than that construction will start in 2010 "and take approximately 4 years to complete." Rather, the section discusses construction methodologies, good housekeeping practices, and disposal of waste during construction. Without any details, it is impossible to assess the feasibility of the construction schedule.

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4 cont.|12.3 **Comment #5.** Operational use of large amounts of water from Lake Holt might impact groundwater and surface sources of water that feed Lake Michie and the Little River Reservoir.

City and County of Durham Comment:
The DEIS describes the potable water supply as follows:

> Projected water consumption at the NBAF ranges between 50,000 gpd and 275,000 gpd, with a peak flow rate of 665 gpm at a minimum delivery pressure of 35 psi. The maximum daily consumption projections, substantially impacted by ambient temperature and humidity and, therefore, specific to a geographic region, include cooling tower make-up water for peak cooling days during the summer months and reduced usage projections for the cooler parts of the year. The estimated total annual water consumption for the Umstead Research Farm Site is projected to be 39,500,000 gallons (NDP 2007b). An irretrievable commitment of 1.98 billion gallons of potable water would be required over the 50-year project life.
> (DEIS, Section 3.3.7.3.1, p. 3-50)

and

> Water in Southern Granville County is provided by the SGWASA. SGWASA currently has 3,000,000–4,000,000 gpd of excess potable water capacity with more available from Lake Holt if needed (Leon Turner, EDC, February 20, 2008). Much of the southeastern United States is undergoing a severe drought. Although the SGWASA has demonstrated the capacity to meet the potable water demands of the proposed NBAF (11,000 gpd – less than 0.4% of the total current capacity), it would still contribute to the cumulative use of surface water in the region.
> (DEIS, Section 3.7.7.3.1, .p. 3-149)

Discussion:
4 cont.|12.3 While acknowledging the current drought in the southeastern United States, the DEIS does not provide any information about how, if at all, the increased demand placed on Lake Holt could affect groundwater levels or other surface water bodies within the Upper Neuse River Basin watershed, particularly during drought conditions.

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2 cont.|26.0 **Comment #6.** It is unclear how much financial responsibility local agencies will incur in addressing and safeguarding against environmental problems

City and County of Durham Comment:
The DEIS analyzes economic costs of pathogen releases in Appendix D, providing analyses for FMD, RVF, and NiV. In all cases, if an outbreak were to occur, immediate action would be required to contain the spread of the virus. Specifically, regarding FMD:

> FMD is one of the most difficult animal diseases to control. Containment via movement controls and eradication are the ultimate goals of responding to an FMD outbreak and are currently the only measures that can be used to quickly reacquire FMD-free status. As noted earlier, in almost all cases throughout history, infected animals have been depopulated. ...During an FMD outbreak, there are a large number of animals to dispose of and if handled appropriately, risks of further spreading and can be minimized.
> (DEIS, Section D-2, p. D-6)

Table D.2-1 (p. D-9) lists the estimated impacts of an accidental release of FMD as the sum of the value of foreign trade lost, industry disruption loss, and direct costs. Direct costs range from $93 million to $97 million.

Regarding a potential released of Rift Valley Fever, the DEIS states:

> In sum, the release of the RVF virus into the uncontained environment could pose a significant risk to the U.S. commercial food chain as well as to the health of the human population. An outbreak, if not quickly identified and stopped could lead to rapid dispersal of the disease to livestock throughout the United States.
>
> ***
>
> Beyond damage to the U.S. livestock industry, the establishment of RVF would result in large public health costs for the treatment of symptomatic infections. Although the majority of cases would likely be mild with short-term ill effects to the patients, a small proportion of infected humans would suffer life-long disabling effects, while others would die. Additional economic costs would include loss of wages, reduced productivity, and public costs for vector eradication. Ultimately, the establishment of RVF prior to the availability of an inexpensive and efficacious vaccine could cost the U.S. hundred of millions to billions of dollars per year.
> (DEIS, Section D-3, p. D-14)

Discussion:
2 cont.|26.0 9|15.0 While acknowledging that significant efforts would be required to contain any outbreak, no information is provided about what role local and state response agencies (e.g., emergency personnel, wildlife agencies) would play. For example, the "direct costs" associated with an accidental release of FMD (Table D.2-1) are not described, nor is any information provided about how they are calculated.

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DHS notes the commentor's concerns regarding an accident and the resulting direct costs to the economy. The specific role state and local agencies would fill in responding to a disease outbreak would vary depending on the site selected, because of differences in how emergency response agencies are organized in the different jursidictions. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site-specific protocols would be developed, in coordination with state and local emergency response agencies. The direct costs noted by the commentor are cited in several of the studies included in the Appendix D.

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10|21.0
7 cont.|23.0

Furthermore, in reference to an outbreak of RVF virus, the DEIS refers to "public costs for vector eradication." This suggests that any entity involved in vector eradication would not be compensated by DHS for its efforts. No detailed information is given elsewhere in the DEIS regarding pathogen containment plans in the event of a release, and so local entities have no way of estimating the level of effort that would be expected from them.

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Comment No: 10 Issue Code: 21.0

The determination of criminal or civil liability arising from an accidental or intentional release of a pathogen is beyond the scope of this EIS. It is also not possible to accept or reject a claim for damages until the specific facts of an incident are known and the applicable local, state or Federal law is applied.

Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. The specific objective of the hazard identification, accident analysis, and risk assessment is to identify the likelihood and consequences from accidents or intentional subversive acts. In addition to identifying the potential for or likelihood of the scenarios leading to adverse consequences, this analysis provides support for the identification of specific engineering and administrative controls to either prevent a pathogen release or mitigate the consequences of such a release. The risk of an accidental release of a pathogen is extremely low. The risk of an accidental release of a pathogen is extremely low, but the economic effect would be significant for all sites. As described in Section 3.10.9 of the NBAF EIS, the economic impact of an outbreak of foot and mouth disease virus has been previously studied and could result in a loss in the range of $2.8 billion in the Plum Island region to $4.2 billion in the Manhattan, Kansas area over an extended period of time. The economic loss is mainly due to potential foreign bans on U.S. livestock products. Although the effects of an outbreak of Rift Valley fever virus on the national economy has not been as extensively studied, the potential economic loss due to foreign bans on livestock could be similar to that of foot and mouth disease outbreak, while the additional cost due to its effect on the human population could be as high as $50 billion. There is little economic data regarding the accidental or deliberate Nipah virus release. However, cost would be expected to be much lower then a release of foot and mouth disease virus or Rift Valley fever virus as the Nipah virus vector is not present in the western hemisphere.

The NBAF would provide state-of-the-art operating procedures and biocontainment features to minimize the potential for laboratory-acquired infections and accidental releases. The risk of an accidental release of a pathogen is extremely low. Should the NBAF Record of Decision call for the design, construction, and operation of the NBAF then site-specific protocols and emergency response plans would be developed, in coordination with local emergency response agencies that would consider the diversity and density of human, livestock, and wildlife populations residing within the area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the NBAF. Section 3.8.9 of the NBAF EIS addresses existing and potentially applicable response plans that provide insight into some of the livestock and wildlife protective and mitigating measures that could be employed in the event of a pathogen release from the NBAF.

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10 cont.]21.0 **Comment #7.** Insufficient risk calculations for comparable (i.e. BSL-4 at CDC) laboratories doing comparable work have not been presented to evaluate the risk for potential NBAF-related pathogen releases and disease outbreaks.

City and County of Durham Comment:
The DEIS summarizes the possibility of an accidental pathogen release as follows:

> Even with the improved engineering and design of high-biocontainment biological laboratories, accidents due to human error or maintenance failures that could cause releases can occur. Recent events include 1) the infection of workers with Brucella sp. at one of Texas A&M University's BSL-3 laboratories in 2006; 2) a 1-hr power outage in 2007 at the new BSL-4 facility of the CDC in Atlanta, before work with pathogens begun, wherein the main and back-up power systems both failed and the negative air-pressure system—a key element of pathogen biocontainment—shut down; and 3) in 2007, a release of FMDV to livestock on farms near the Pirbright high-biocontainment laboratory in the United Kingdom due to a damaged and leaking drainage system at the facility (GAO 2007). Scenarios for evaluating the risks posed by the NBAF included potential realistic means of biological pathogen release and describe the various safety controls and barriers relied on to protect laboratory workers, the public, and the environment.
> (DEIS Section 3.14, page 3-364)

The DEIS considers a variety of accident scenarios that could lead to the release of a pathogen and attempts to calculate the probability of a disease outbreak both with and without effective mitigative safety controls. The analysis is carried out for six accident scenarios on each of three pathogens (Foot and mouth disease virus, Rift Valley Fever virus, and Nipah virus), which DHS believes represent the range of worst case scenarios. The probability of an outbreak is calculated to be very low in every case.

The DEIS summarizes environmental effects in all areas (air quality, health and safety, etc.), both beneficial and adverse, using the following categories: Significant, Moderate, Minor. If an effect would neither degrade nor improve current conditions, the effect is labeled either Negligible or No Effect (DEIS, p. ES-10)

Discussion:
10 cont.]21.0 The DEIS does not address risk assessments for BSL-2 labs, nor provide any risk data for the CDC's BSL-4 lab in Atlanta. While several releases that occurred at PIADC are summarized in Appendix B, they are not analyzed in the context of risk assessment. In other words, the statistical risk of such accidents happening was not estimated, so we that could see how the predicted probability of such accidents occurring compares with the predicted probabilities of NBAF-related outbreaks.

The DEIS stresses that the chances of a pathogen release are exceedingly remote, given the strict safety controls that will be part of the design. In spite of the emphasis on safety in facility design, there are a number of vulnerabilities apparent in design and operations that are not adequately

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10 cont.|21.0

addressed in the risk calculation scenarios. The handling and treatment of large livestock, including wastes and carcasses, present greater opportunities for releases and cross-contamination than non-livestock laboratories of comparable BSL levels, and caution should be applied to extrapolation of risks from such laboratories. Similarly, the expectation that visitors and trainees would participate in potentially infectious operations, such as necropsies and diagnostic training, presents a vulnerability for infection and/or release. Finally, there are apparent vulnerabilities in the building design itself, such as the break room that would allow employees from BSL labs to comingle, potentially resulting in cross-contamination. Further evaluation of these potential vulnerabilities is impeded by a lack of specificity about design and operations. Similarly, few details are provided about the methods that would be used to control and outbreak in the event of a pathogen release. Of concern is the lack of site-specific data about human and animal populations in the immediate area. While county-wide demographic data do not suggest environmental justice issues, the near presence of detainment facilities introduces both vulnerabilities and justice concerns, as well as impediments to evacuation plans. Neither livestock nor wildlife are well-enough characterized to be able to assess or control outbreaks; particular concerns include numbers and locations of species that may be susceptible or serve as host populations.

In addition, it seems a biased conclusion to say that building NBAF, with its risk (albeit low probability) of a pathogen release (a high consequence but low probability event) boils down to a "negligible" effect on health and safety of the environment, but the positive impact of major scientific breakthroughs (also a high consequence but fairly low probability event) on wildlife, the economy, and health and safety is "significant."

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11|9.0 **Comment #8.** There is no discussion of routine monitoring of air and water outside of the laboratory for detection of accidental releases.

City and County of Durham Comment:
The DEIS does not address this issue.

Discussion:
The close proximity of Federal, State, local and University (NCSU) facilities would provide ideal and secure locations for long-term monitoring of air and water samples for early detection of accidental releases. However, there is no discussion of this in the DEIS, so it is unclear whether this is an interest or priority of DHS during operation of the NBAF.

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Comment No: 11 Issue Code: 9.0

DHS notes the commentor's air and water quality concerns. The potential effects of NBAF operations on air and water quality are discussed in the NBAF EIS Sections 3.4 and 3.7 respectively. Sections 3.4.1 and 3.7.1 describe the methodology used in assessing potential air and water quality consequences at each site. Section 3.14 describes the hazard and accident analysis including site specific consequences. Conservative assumptions were used to ensure the probable maximum effects were evaluated. The final design will ensure that the NBAF %does not significantly affect% the region's ability to meet air and water quality standards. Should a decision be made to build NBAF and following site selection and final design, a complete emission and effluent inventory would be developed and refined modeling performed as necessary in accordance with state-specific air and water quality permitting requirements. DHS would be required to comply with permit-established monitoring requirements.

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7 cont.|23.0 **Comment #9.** There is no discussion of funding for long-term maintenance and end-of-life shutdown for the facility, or guarantee of continued community oversight of operations

City and County of Durham Comment:
The DEIS discusses in general terms how the NBAF could be decommissioned, and does not mention the issue of funding:

> Once the proposed NBAF has reached its life expectancy, DHS may choose to decommission the facility and transition the property for future use according to current agreements. Development of standards for biosafety laboratories and associated equipment has focused on the construction and operation of new or existing facilities. Standard laboratory procedures and decontamination protocols would be performed according to the BMBL to ensure worker safety and to ensure health and safety of the general public. It is anticipated that site-specific protocols and a decontamination and decommissioning plan would be developed for this action, should it occur. The plan would address such factors as decontamination methodologies; disposition of used equipment and re-use, disposal, or salvaging site materials; and post-decontamination monitoring.
> (DEIS, Section 2.2.3, p. 2-9)

In section 2.2.2.6 the DEIS describes the role and composition of the Institutional Biosafety Committee, which would be required, though it is not clear by whom it would be required.

> **2.2.2.6 Research Protocols**
> **Institutional Biosafety Committee (IBC).** The use of any biological agent requires the review and approval of the IBC of USDA/APHIS. IBC membership, responsibilities, and roles are defined in the NIH Guidelines for Research Involving Recombinant DNA Molecules (NIH 2002). The focus of the IBC is adherence to well established biological safety practices that protect the researchers and the surrounding community. The IBC is vested with the authority to approve the use of a biological agent, deny approval, or take action to stop work. Possession of and any work involving select agents, whether they are BSL-3 or BSL-4 agents, requires registration of the facility by APHIS and/or the CDC. The registration process includes identity of the agent(s), the location of use and storage of the agent(s), and a detailed description of laboratory containment provisions and security measures. IBC approval of SOPs is required, and the laboratories would be inspected by the CDC at least once over a given 3-year period.
>
> The IBC is comprised of committee members with overlapping and interdisciplinary expertise, including microbiologists, infectious disease specialists, safety experts, and community representatives. Notifications for Use of Biological Agents received by the IBC are critically reviewed by experts focusing on the safe use of the biological agent(s) at the appropriate biosafety level.

Discussion:
7 cont.|23.0 An enforceable commitment should be described for funding 1) long-term safety and maintenance and 2) decontaminating the site after the facility is shut down. The DEIS does not

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7 cont.] 23.0 describe how the community representatives on the IBC would be selected. Nor does it describe the means by which the IBC would have to access to information about lapses in safety and security that would enable it to determine if action needed to be taken to stop work with any agent. Inspections made by the CDC every three years seem woefully inadequate to ensuring that SOPs are being followed.

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11 cont.|23.0 **Comment #10.** There is inadequate discussion of the implications of the two different staffing models (government owned–government operated (GOGO) versus government owned–contractor operated (GOCO)) on safety and security.

City and County of Durham Comment:
Whether professional staff from PIADC would transfer to the new NBAF location, if there is one, is not discussed. The DEIS gives only the total expected number of employees:

> Once operational, the proposed NBAF would employ approximately 250 to 350 people. In addition to the scientific and administrative staff of the laboratory, the proposed NBAF would employ technicians, veterinary staff, building engineers, and security personnel. (DEIS, Section 2.2.2.1, p. 2-6)

The issue of federal employees vs. contractors has apparently not been decided. The DEIS describes it as follows:

> The proposed NBAF would be either a government owned–government operated (GOGO) or government owned–contractor operated (GOCO) facility. A GOCO partnership allows each partner to perform duties for which it is uniquely suited: the government establishes mission areas and the private sector implements the missions using best business practices. The GOCO model has been replicated many times over the past 50 years, primarily by the Department of Energy and its predecessor agencies. In the U.S., GOCO arrangements are used to manage laboratories, manufacturing and production plants, and numerous repositories. Sandia National Laboratories, originally managed by AT&T, has been managed by Lockheed Martin since 1993. In addition, the DHS National Biodefense Analysis and Countermeasures Center (NBACC) currently under construction at Fort Detrick, which will have BSL-2, BSL-3, and BSL-4 laboratories, will be operated as a GOCO facility. A program management plan (PMP) has been prepared to insure DHS management and supervision of activities at the NBACC. If it is decided that the NBAF would be GOCO, a PMP would be prepared for the facility.
> (DEIS, Section 2.2.2, p. 2-4)

Security training is not described per se. The DEIS describes safety training and the development of a variety of SOPs, which may or may not include security practices:

> Prior to conducting research with highly infectious agents, a laboratory facility and staff undergo many preoperational testing and training activities. One of the first pre-operational test and training events to occur is the commissioning of a laboratory. The commissioning process for building construction projects is a quality control process to document, test, and verify that building systems meet the facility owner's functional, operational, and performance requirements. This process is essential in the construction of today's biocontainment laboratories due to the requirements for life safety and reliable environmental control and monitoring. To take full advantage of the commissioning process, the research and maintenance staff would actively participate with the commissioning team to learn how the variety of engineering systems and controls

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maintain the integrity of the biocontainment laboratory. The research and maintenance staff would draw upon this information to establish the SOPs for each staffing group.

Once the construction of the facility and commissioning is complete, the maintenance staff would establish the operations and maintenance SOPs based on the data compiled from the construction documents, commissioning process, regulatory agencies, and their own experience with simulated system failure scenarios. These scenarios would occur during the commissioning process to help prepare the maintenance and research staff to respond in a timely and effective manner should the failure occur during normal operation of the facility. One example of biocontainment laboratory operation and maintenance procedures that would be required is daily inspections of essential containment and life support systems that must be completed and documented before laboratory work is initiated to ensure that the laboratory is operating according to established parameters. Preparation of the operation and maintenance SOPs with the appropriate training typically occurs over a 3- to 6-month period after construction is completed.

Practical and effective protocols for emergency situations must be established. These protocols must include plans for medical emergencies, facility malfunctions, fires, animals escaping within the laboratory, and other potential emergencies. Training in emergency response procedures must be provided to emergency response personnel and other responsible staff according to institutional policies. Many of the training and testing requirements are to maintain certification and licensure to operate a laboratory, which generally take up to a year beyond the construction phase to complete. The BMBL is the primary guidance source to ensure a safe and effective testing and training program for successful state-of-the-art biocontainment laboratory facilities.

The use of hazardous biological agents or toxins that are regarded as select agents under Possession, Use, and Transfer of Select Agents and Toxins; Interim Final Rule (9 CFR 121) is regulated by the Secretary of the Department of Health and Human Services. The Centers for Disease Control and Prevention (CDC) is responsible for the management of the Select Agent Program. Research protocols involving the use of select agents require registration of the NBAF and inspection of its laboratories by the CDC or APHIS. CDC or APHIS would inspect the laboratories at least once over a 3-year period. This inspection is not required prior to approval of the application.
(DEIS, Section 2.2.2, p. 2-5)

Discussion:

11 cont.|23.0
12|19.3

Employee morale, presumably affected by long-term employment prospects, may be assumed to be a factor in the safe and secure operation of NBAF. The DEIS suggests that NBAF employees may be contractors rather than government employees. Although the National Biodefense Analysis and Countermeasures Center will be operated as a Government-owned; contractor-operated (GOCO) facility, and like NBAF will have BSL-2, BSL-3, and BSL-4 labs, it is not operational yet, and the DEIS does not mention any other existing comparable facility that is operated as a GOCO. What evidence is there that safety and security would not be compromised by a staffing model in which employees with responsibility for ensuring safety and security are

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Comment No: 12 Issue Code: 19.3

DHS notes commentor's concern that NBAF employment practices for both governmental and non-governmental employees include proper pre-employment screening and ongoing employee training. As set out in Section 3.14.3.4 of the NBAF EIS, employees and contractors will be screened prior to employment or engagement and monitored while working, among other security measures. In addition, oversight of NBAF operations, as described in Section 2.2.2.6 of the NBAF EIS, will be conducted in part by the Institutional Biosafety Committee (IBC), which includes community representative participation, and the APHIS Animal Research Policy and Institutional Animal Care and Use Committee. With regard to employee training, Section 2.2.2.1 of the NBAF EIS, discusses the requirement that all laboratory staff would receive pre-operational training, as well as ongoing training, in the handling of hazardous infectious agents, understanding biocontainment functions of standard and special practices for each biosafety level, and understanding biocontainment equipment and laboratory characteristics.

Bonfield, Thomas

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12 cont.]19.3 subject to uncertainty in their long-term employment prospects (as is the nature of contractor employees)?

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13| 13.3 **Comment #11.** Increased light, visual and noise pollution associated with the NBAF will adversely impact the environment and wildlife in the surrounding area and affect the undeveloped, rural nature of the area.

City and County of Durham Comment (light pollution):
The DEIS states:

> Additional visual impacts would occur from lighting during the nighttime. The main facility, all support buildings, and the parking lot would be well-lit. Lighting is also proposed at regular intervals along the security fence."
> (DEIS, Section 3.2.3.3.2, p. 2-6)

Discussion:
We know that light pollution has several adverse effects including the following:

- Energy waste and the air and water pollution caused by energy waste
- Harm to human health (alters human blood plasma melatonin levels, for example)
- Harm to wildlife and ecosystems (marine turtle death, migratory birds, interference of reproductive habits,
- Reduced visibility at night
- Poor nighttime ambience including loss of starry sky (skyglow)

There are several national and international organizations devoted to reducing night-time light pollution. The international Dark Sky Association (http://www.darksky.org/mc/page.do), for example, has recently held Congressional briefings to push for national action on limiting light pollution. Several states and localities have also already enacted laws. While light from existing federal facilities in Butner already affects the night sky in northern Durham somewhat, further degradation is undesirable. We are concerned that the excessive night lighting will affect the abundant wildlife in the vicinity of the NBAF. There is no mention of mitigative measures that would be taken, such as the use of unidirectional of LED lighting.

City and County of Durham Comment (visual impacts):
The DEIS states:

> Visual impacts from operation of the proposed NBAF would be high. In general, the NBAF would be similar in size to a 400-bed hospital or a 1,600 student high school located in an otherwise primarily rural setting. Although portions of the main building would be underground, the heights of project components have not been finalized at this time but could be up to 90 feet high (NDP 2007a). Other ancillary elements that would likely be visible include fuel and liquid storage tanks, an electrical switchyard, emergency power generators, and power lines (NDP 2007a). If incinerators are included in the final design, stacks would likely be visible, as well. The entire facility would be surrounded by a security fence, which itself would be a visible.
> (DEIS, Section 3.2.3.3.2, p. 3-12)

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Comment No: 13 Issue Code: 13.3

DHS acknowledges the commentor's concern regarding potential effects on wildlife in the vicinity of the Umstead Research Farm Site. Section 3.5.5.3 of the NBAF EIS addresses operational noise impacts associated with the proposed NBAF. Minor noise impacts would result from an increase in traffic and operation of the facility's filtration, heating, and cooling systems. Section 3.5.5.3 describes noise-attenuating design features that would minimize noise emissions. In the event of a power outage, operation of back-up generators could have a short-term impact on wildlife by discouraging utilization of immediately adjacent habitats. Routine operations at the NBAF would not be likely to have significant noise impacts on wildlife. Security requirements at the proposed NBAF would require continuous outdoor nighttime lighting. Nighttime lighting has the potential to impact wildlife through astronomical and ecological light pollution. Unshielded lighting can shine upward and interfere with bird migration, disorienting birds and causing them to collide with structures. Birds are attracted to lights and may collide with lighted structures. Most concerns involve lighting associated with high-rise buildings and tele-communication towers; however, even residential lighting can affect some birds. The USFWS advocates the use of shielded lighting to minimize adverse impacts on migratory birds. Shielded fixtures direct light downwards and can be used to keep light within the boundaries of the site. The NBAF would employ the minimum intensity of lighting that is necessary to provide adequate security. Mitigation measures, such as those described above, will be considered in the final design of the NBAF. Lighting would have the potential for adverse impacts (i.e., repulsion and interference with foraging behavior) on resident wildlife immediately adjacent to the NBAF. However, the use of shielded lighting would minimize the potential for impacts in adjacent habitats. Given the relatively low profile of the building and the use of mitigation measures, significant lighting impacts on migratory birds would not be likely to occur. DHS also notes the commentor's concern regarding the visual effects of the NBAF at the South Milledge Avenue Site, which are described in Section 3.2.3 of the NBAF EIS. DHS recognizes that the NBAF would be a distinctive visible feature and would alter the viewshed of the area.

Bonfield, Thomas

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Visual pollution is rated as a "moderate" adverse effect in Table 3.18.2 – "Comparison of environmental effects." (DEIS, Section 3.2.3.3.2, p. 3-511)

Discussion:

14|6.3
7 cont.|23.0 Loss of open space is becoming a concern in the Triangle area. The aesthetic beauty of an undeveloped portion of Umstead Research Farm will be lost when it is replaced by this large institution. The perimeter of the laboratory will be surrounded by a fence which may be topped by unsightly razor wire. We note that this fencing will also impede wildlife corridors.

City and County of Durham Comment (noise pollution):
The DEIS states:

> Operations at the NBAF would result in audible emissions related to substantially increased traffic volumes and from the normal heating, cooling, and filtration systems at the facility. Refer to Section 3.5.3.3 for additional operational noise information. Operation of the NBAF would not have an anticipated adverse effect on surrounding noise-sensitive receptors. Receptors.
> (DEIS, Section 3.5.7.3, p. 3-94)

and

> A potentially significant noise emission source would be the emergency generators; however, the generators are a back-up response system and would not be a routine noise emission source.
> (DEIS, Section 3.5.3.3, p. 3-88)

and

> The most audible noises would emanate from the traffic related to the facility and the heating, cooling, and filtration systems. Wildlife would be expected to return to adjacent undeveloped areas following construction; however, operational noises from the NBAF would likely discourage on-site fauna rehabitation. Early design considerations would reduce both internal and external noise levels. Interior partitions within and between offices would have sound-attenuating insulation materials. All laboratory doors would be insulated for sound reduction, and mechanical systems would have sound-attenuation equipment based on standard design practices. Laboratory fans would have packless-type sound-reducing devices on the exhaust mains and outside air by-pass ducts.
> (DEIS, Section 3.5.3.3, p. 3-88)

Discussion:

15|10.3 Noise pollution can have long-term immunological and other effects on humans, as well as driving away wildlife. While noise pollution from the operation of the NBAF is probably of much smaller concern than other effects, it is an additional adverse consequence that will impact the current rural setting of the Umstead Research Farm.

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Comment No: 14 Issue Code: 6.3

DHS notes the commentor's concern regarding development of the Umstead Research Farm Site which is described in Section 3.2.7. A change in land use and loss of open space would occur; however, current zoning or land use regulations allow for this type of development. The visual effects of the NBAF at the Umstead Research Farm Site are also described in Section 3.2.7 of the NBAF EIS. DHS recognizes that the NBAF would be a distinctive visible feature and would alter the viewshed of the area. Construction of the proposed NBAF at the Umstead Research Farm Site would affect approximately 30 acres of disturbed, upland shrub-scrub vegetation. The site would retain approximately 200 acres of shrub-scrub habitat, and none of the other existing habitat types on the property would be impacted. Movement of wildlife would not be impeded by construction of the NBAF or associated fencing.

Comment No: 15 Issue Code: 10.3

DHS notes the commentor's concern regarding potential noise effects. As described in Sections 3.5.7.1, 3.5.7.2 and 3.5.7.3 of the NBAF EIS, most audible operational noises would emanate from traffic and the facility's heating, cooling, and filtration systems; the four year construction period would result in temporary noise consequences.

Boone, Ph.D., Kristina

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WD0185

From: Kris Boone [kboone@ksu.edu]
Sent: Tuesday, August 05, 2008 2:37 PM
To: NBAFProgramManager
Subject: Support of Kansas

August 5, 2008

James Johnson
DHS Science and Technology Directorate
245 Murray Ln. SW; Bldg. 410
Washington, DC 20528

Dear Director Johnson:

1| 24.4 I am writing in support of locating the NBAF site in Manhattan, KS. As a longtime resident of Manhattan and faculty member at Kansas State University, I believe our community and university would provide unparalleled support to this facility.

As a faculty member, I lead a department of communications focused on providing communications and information technology support for research and extension. Our departmental research focuses on risk and crisis communications, supporting our university initiatives. Our department and university initiatives fully support work of NBAF, demonstrating the fertile ground on which NBAF can grow. Further KSU has a long history of support for and from the animal-health industry. With one of the top animal science and veterinary medicine programs in the country, KSU is a natural fit.

As a community member with young children, I believe NBAF would greatly benefit our area. I look forward to the influx of new community members and the synergy I expect as a result with our educational programs.

As a communications professional, I also see great benefit for this location for NBAF. For more than 18 years, I have worked in strategic communications for non-profit groups. Prior to that I worked for profits and non-profits. One of the great things about a location such as Manhattan is one where media coverage can be more strategically initiated. Because it is not near a major media market, news media would not simply come out to cover something if they were experiencing a slow news day. However, when we have big launches, news media do come, but it is more controlled than if we were located nearer a large media market. Further, this area is populated by many people who have animal agriculture backgrounds and recognize the value of an NBAF facility as well as understand its benefit for agriculture.

Simply put: we're in the right place.

Thank you for considering Manhattan. If you have questions or want more

Comment No: 1 Issue Code: 24.4
DHS notes the commentor's support for the Manhattan Campus Site Alternative.

Boone, Ph.D., Kristina

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WD0185

information on my humble views, please let me know.

Kristina Boone, Ph.D.
Professor and Head
Department of Communications
College of Agriculture
Kansas State University
Manhattan, KS 66506
785.532.5804
www.communications.ksu.edu

Booth, Edward

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WD0369

From: [redacted]
Sent: Tuesday, August 19, 2008 4:09 PM
To: NBAFProgramManager
Cc: [redacted]
Subject: Plum Island

Mr James V. Johnson
Science and Technology Directorate
US Dept of Homeland Security
Dear Mr Johnson:
I read the article in the August 14 issue of The Suffolk Times concerning the possible upgrade or closing of the Plum Island facility. Although most of the public comment on the upgrade has been negative, I would like to express the opinion that if we must choose between upgrade and closure, I support the upgrade. 1|5.1
My basis is twofold.
First, the impact of Plum Island on the area over the past decades has been very positive. The caliber of people employed at the lab is very high. They and their families have contributed much to the intellectual level of the community. They have kept a low profile concerning their work but they are out front supporting our Town institutions such as the schools and libraries. They have contributed to the economic excellence of our towns through their salaries, and by the construction and maintenance of the facility. They have been good citizens and we will miss them if they leave. An increase in the size of the facility would only bring an increase in all the benefits they have brought us.
Second, I believe that the work they do is crucial for the well-being of our country. The fight against animal and communicable diseases must be won. The example of a bird flu pandemic is all too real and probably inevitable. A laboratory that prevents the wholesale slaughter of our population must be supported. They may get involved in the study and cure for germ warfare agents

Comment No: 1 Issue Code: 5.1

DHS notes the commentor's statement. The proposed NBAF requires BSL-4 capability to meet mission requirements (DHS and USDA). PIADC does not have BSL-4 laboratory or animal space, and the existing PIADC facilities are inadequate to support a BSL-4 laboratory. Upgrading the existing facilities to allow PIADC to meet the current mission would be more costly than building the NBAF on Plum Island, as discussed in Section 2.4.1 of the NBAF EIS.

Booth, Edward

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WD0370

From: [redacted]
Sent: Tuesday, August 19, 2008 4:24 PM
To: NBAFProgramManager
Subject: Letter on Plum Island

James Johnson
1|24.1 I just sent off prematurely a nearly complete letter in support of the Plum Island facility. I would add

" The laboratory may get involved in the study of germ warfare agents in order to find a cure. This is a matter of great importance to the country and should have the support of all its citizens. There may be some risk involved from the proximity of the facility to the civilian population. The benefit to entire population far outweighs the risk to the few. We are in a war and should accept our responsibility. Of course it is nicer for us to let someone else run the risk, but I hope the citizens of the North Fork and Connecticut have the courage to deal with it for the good of the country."

Sincerely yours,
Edward C. Booth
[redacted] NY [redacted]
August 20, 2008

Comment No: 1 Issue Code: 24.1
DHS notes the commentor's support for the Plum Island Site Alternative.

Border, HD

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GAD001

National Bio and Agro-Defense Facility Draft Environmental Impact Statement Comment Form

NATIONAL BIO AND AGRO-DEFENSE FACILITY
Science and Technology Directorate/Office of National Laboratories

Personal information is optional as this document is part of the public record and may be reproduced in its entirety in the final National Bio and Agro-Defense Facility Environmental Impact Statement.

Name: HD Border

Title: Local Resident - [redacted] GA

Organization:

Address:

City: State: Zip Code:

Comments:

1| 27.0 I live within [redacted] miles of the proposed NBAF site in Athens GA. I have attended all NBAF public forums in Athens, and have reviewed the Draft EIS document. I have an informed opinion.

2| 5.2 As a thinking person, local resident and business-owner, and mother of a young daughter, my assessment is that clearly NBAF - and the type of research it will do - should not be sited in a populated area like Athens... or any populated area, for that matter.

3| 25.2 NO to NBAF in Athens!

(Continued on back for your convenience)

Comment No: 1 Issue Code: 27.0
DHS notes the commentor's statement.

Comment No: 2 Issue Code: 5.2
DHS notes the commentor's concern. It has been shown that modern biosafety laboratories can be safely operated in populated areas. An example is the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, where such facilities employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of NBAF.

Comment No: 3 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Bowen, John

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WD0474

From: John Bowen [redacted]
Sent: Friday, August 22, 2008 10:47 AM
To: NBAFProgramManager
Subject: NBAF/Athens Meetings

1| 4.4 | Management of oral comments period poor. Comments should terminated after 3 minutes.

Comment No: 1 Issue Code: 4.2
DHS notes the commentor's opinion that the oral comment period provided to individuals should have been strictly limited to 3 minutes.

Bowers, Kim

Page 1 of 1

WD0599

From: Kim Bowers [redacted]
Sent: Sunday, August 24, 2008 6:41 AM
To: NBAFProgramManager
Subject: Athens

1|25.2 I live in [redacted] from the proposed NBAF site. I have nothing against DHS or the lab - or even President Bush, for that matter. I am very much opposed, however, to the location. In fact it disturbs me that UGA is so hasty to sell away this property, because it so important to those of us who live out here. The area is a beautiful, rural vista that separates our

2|13.2; 3|7.2 neighborhoods from the city. It gives our neighborhoods value and character. Residents stop their cars and allow their children to visit the farm animals on their way into town. It is right next to the state botanical gardens. It often take that road just for the scenery.

4|17.2 Placing the massive plant there would completely change neighborhood. The roads are narrow and not adequate to handle the traffic increase. What is now a beautiful, quiet stretch of road,

1Cont.|25.2 will be an industrial corridor. I cannot imagine UGA selling this land to Target, or any other large entity. It is simply not a commercial or industrial zone.

4Cont.|17.2 Bring your lab to our area - fine. But please do not destroy this important part of our community. Put it out in the country on a state highway that can handle the traffic and where you are not so close to several residential neighborhoods - not because of what the lab is for , but because of how imposing it will be.

Thank you for considering our input,

Kim Bowers
[redacted]

Comment No: 1 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.

Comment No: 2 Issue Code: 13.2
DHS notes the commentor's concern regarding the proximity of the South Milledge Avenue Site to the Botanical Garden. As indicated in Sections 3.8.3.2 and 3.8.3.3 of the NBAF EIS, construction and normal operations of the NBAF would have no direct impact on the State Botanical Garden. The NBAF would affect primarily pasture areas that have low wildlife habitat value due to their disturbed condition, lack of native vegetation, and lack of wildlife food and cover. The forested portion of the South Milledge Avenue Site along the Oconee River is a high value riparian wildlife corridor that connects the Botanical Garden with Whitehall Forest. However, impacts to the forested riparian area would be minor (0.2 acre), and these impacts would occur within the existing pasture fence-line in areas that have been disturbed by grazing. The high value forested riparian corridor would be preserved; and therefore, the proposed NBAF would not have significant direct impacts on wildlife. The potential impacts of an accidental release on wildlife are addressed in Section 3.8.9 of the NBAF EIS. Although the NBAF EIS acknowledges the potential for significant wildlife impacts in the event of an accidental release, the risk of such a release is extremely low (see Section 3.14). It has been shown that modern biosafety laboratories can be safely operated in populated areas and in areas with abundant wildlife. State-of-the-art biocontainment facilities such as the Centers for Disease Control and Prevention in downtown Atlanta, Georgia, employ modern biocontainment technologies and safety protocols, such as would be employed in the design, construction, and operation of NBAF. Furthermore, the purpose of NBAF is to combat diseases that could have significant effects on wildlife. Research at the NBAF would include the development of vaccines for wildlife that could prevent adverse impacts from a foreign introduction.

Comment No: 3 Issue Code: 7.2
DHS notes the commentor's concern regarding the visual effects of the NBAF at the South Milledge Avenue Site, which are described in Section 3.2.3 of the NBAF EIS. DHS recognizes that the NBAF would be a distinctive visible feature and would alter the viewshed of the area.

Comment No: 4 Issue Code: 17.2
DHS notes the commentor's concern. A discussion of existing road conditions and potential effects to traffic and transportation from the operation of the NBAF at the South Milledge Avenue Site Alternative, to include planned improvements to the primary corridors serving the NBAF, is provided in Section 3.11.3 of the NBAF EIS.

Bowling, JacLynn

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MD0069

Name and complete address:

Jaclynn Bowling
[redacted] NC [redacted]

Comment:

To Whom It May Concern:

I am writing you as a concerned citizen and mother of two small children. It is my job as there parent to look out for there well-being and protect them. Based on what I have read of your DEIS and what other scientists who have read it have said, I don't believe I can do my job as a mother while living next to your proposed NBAF. I do not believe that it is in my children's ~~well being~~ best interest to be located next to such a facility where you haven't even fully determined the risks we would be facing. You don't know what impact this facility would have on our air, water or environment. I do not trust you, or your ability to keep us safe, either from some human error resulting in a leak at the facility, or a potential terrorist attack. Just a couple of weeks ago they discovered that the worlds most wanted female terrorist had info on your Plum Island. Your NBAF is already a target!

1| 21.0

2| 25.3

Please, Do not put it in my back yard!!!

Sincerely,

Jaclynn Bowling

Comment No: 1 Issue Code: 21.0

DHS notes the commentor's concerns regarding the risk of a potential accident or terrorist event. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. Section 3.14 investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, The chances of an accidental release are low. Appendix B to the EIS describes biocontainment lapses and laboratory acquired infections. Laboratory-acquired infections have not been shown to be a threat to the community at large. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols would be developed, in coordination with local emergency response agencies that would consider the diversity and density of populations residing within the local area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF.

A separate Threat and Risk Assessment (designated as For Official Use Only)(TRA) was developed outside of the EIS process in accordance with the requirements stipulated in federal regulations. The purpose of the TRA was to identify potential vulnerabilities and weaknesses associated with the NBAF and are used to recommend the most prudent measures to establish a reasonable level of risk for the security of operations of the NBAF and public safety. Because of the importance of the NBAF mission and the associated work with potential high-consequence biological pathogens, critical information related to the potential for adverse consequences as a result of intentional acts has been incorporated into the NEPA process. Security would be provided by a series of fencing, security cameras, and protocols. In addition, a dedicated security force would be present on-site. Additional security could be provided via cooperation with local law enforcement agencies.

Comment No: 2 Issue Code: 25.3

DHS notes the commentor's opposition to the Umstead Research Farm Site Alternative.

Boyd, Betty Tucker

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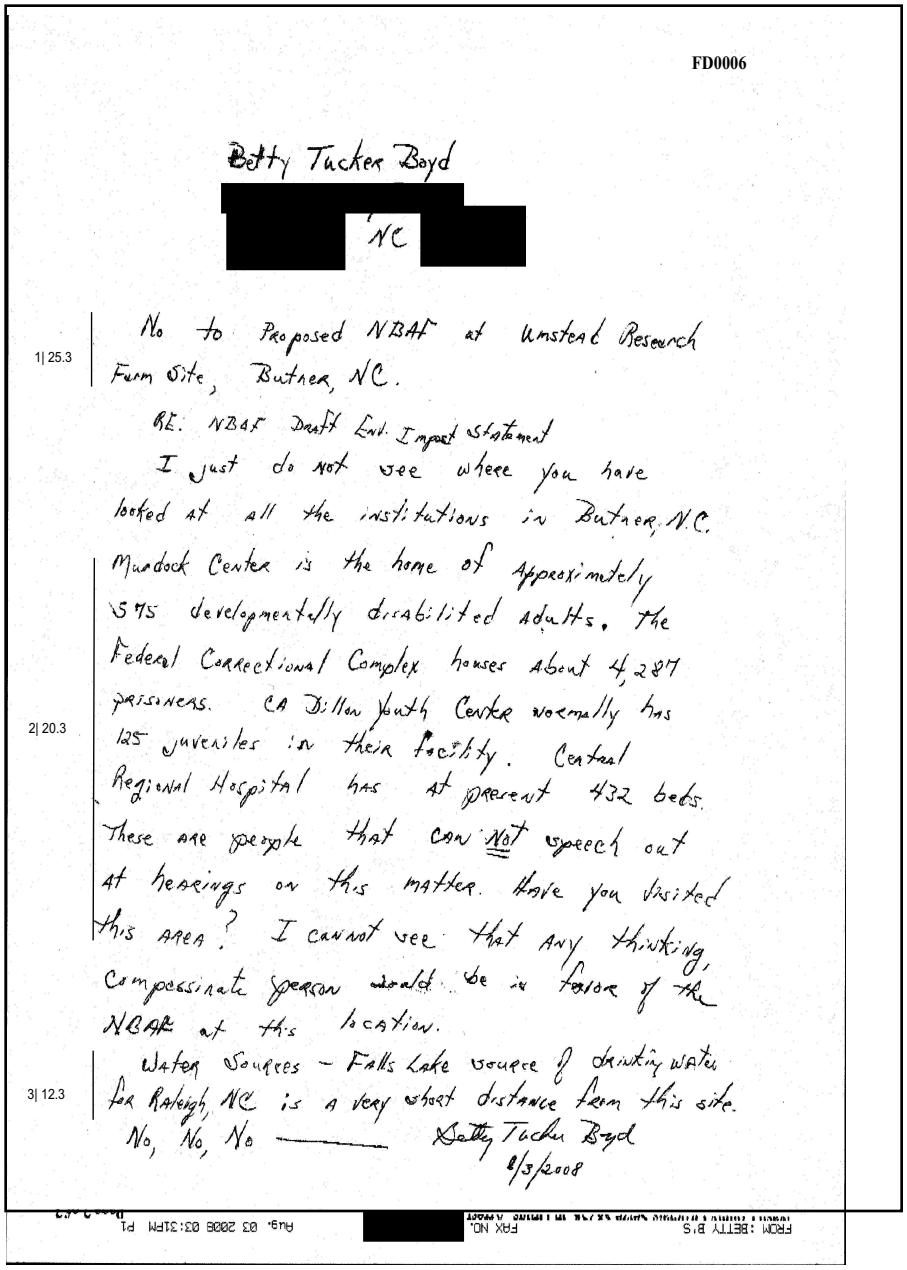

FD0006

Betty Tucker Boyd
[redacted]
NC

1| 25.3 No to Proposed NBAF at Umstead Research Farm Site, Butner, NC.

RE: NBAF Draft Env. Impact Statement
I just do not see where you have looked at all the institutions in Butner, N.C.
Murdock Center is the home of Approximately 575 developmentally disabilited adults. The Federal Correctional Complex houses about 4,287 prisoneas. CA Dillon Youth Center normally has
2| 20.3 125 juveniles in their facilty. Central Regional Hospital has at present 432 beds. These are people that can Not speech out at hearings on this matter. Have you visited this area? I cannot see that ANY thinking, Compassinate person would be in favor of the NBAF at this location.

3| 12.3 Water Sources - Falls Lake source of drinking water for Raleigh, NC is a very short distance from this site.
No, No, No ——— Betty Tucker Boyd
8/3/2008

FROM :BETTY B'S FAX NO. [redacted] AUG. 03 2008 03:31PM P1

Comment No: 1 Issue Code: 25.3
DHS notes the commentor's opposition to the Umstead Research Farm Site Alternative.

Comment No: 2 Issue Code: 20.3
DHS notes the commentor's concern. DHS is aware of the presence of the health and correctional facilities, described in Section 3.10.7.1 of the NBAF EIS. DHS has held public meetings and conducted outreach efforts to ensure that the surrounding communities, including officials of the health and correctional facilities, are well aware of the proposed action. The risks and associated potential effects to human health and safety were evaluated in Section 3.14 of the NBAF EIS. The risks were determined to be low for all site alternatives.

Comment No: 3 Issue Code: 12.3
DHS notes the commentor's watershed concerns. As described in Section 3.7.7.3.1 of the NBAF EIS, the South Granville Water and Sewer Authority has 3 to 4 million gallons per day of excess potable water supply and could meet NBAF's need of approximately 110,000 gallons per day, less than 0.4% of the Authority's total current capacity. Section 3.13.8 describes the process that would be used to control and dispose of liquid wastes and Sections 3.3.7 and 3.7.7 describe standard methods used to prevent and mitigate potential spill and runoff affects.

Bradsher, Victoria

Page 1 of 1

WD0062

From: Bramblewood on the Lane [redacted]
Sent: Monday, July 14, 2008 8:36 AM
To: NBAFProgramManager
Subject: AGAINST bio lab in Butner NC

1| 21.0 While I understand and appreciate the need for testing of products on animals, I am not yet convinced that the government has in place the necessary safeguards to prevent unwanted and potentially dangerous leaks into the surrounding environment. Strict requirements to communicate with the community in an effective and TIMELY fashion do not appear to exist.

2| 23.3 The plans made available are sketchy, at best, with no real information about the construction of the plant. Safety procedures are not specifically called out. A communication plan is not mandated. These omissions are critical and indicate the plan is either not yet well thought out or that the government is still unwilling to openly share important information.

Without sufficient openess I see no reason to trust the safety of our population or our environment to the government at this time!!!!

Victoria Bradsher
[redacted]
NC[redacted]
[redacted]

Comment No: 1 Issue Code: 21.0
DHS notes the commentor's concern. NBAF would incorporate modern biocontainment technologies and safety protocols, as further discussed in Section 2.2.1.1. A discussion of human health and safety is included in Section 3.14. As noted in Section 2.2.2.6, an Institutional Biosafety Committee (IBC), comprised of interdisciplinary expertise, safety experts and community representatives, would review and approve of the use of any biological agent.

Comment No: 2 Issue Code: 23.0
The anaysis conducted in the NBAF EIS was based on conceptual design plans posted on the DHS website. More detailed design plans would be developed as the project moves into the final design phase. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols, including a public communications plan, would be developed, in coordination with local emergency response agencies, that would consider the diversity and density of populations residing within the local area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF. Several factors will affect the decision on whether or not the NBAF is built, and, if so, where. The EIS itself will not be the sole deciding factor. The decision will be made based on the following factors: 1) analyses from the EIS and support documents; 2) the four evaluation criteria discussed in Section 2.3.1; 3) applicable Federal, state, and local laws and regulatory requirements; 4) consultation requirements among the Federal, state, and local agencies, as well as federally recognized American Indian Nations; 5) policy considerations; and 6) public comment. The Department of Homeland Security Under Secretary for Science and Technology Jay M. Cohen, with other Department officials, will consider the factors identified above in making final decisions regarding the NBAF. A Record of Decision that explains the final decisions will be made available no sooner than 30 days after the NBAF Final EIS is published.

Brand, Rick

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MD0102

[redacted]
[redacted] N.C. [redacted]
August 15, 2008

U.S. Department of Homeland Security
Science and Technology Directorate
James V. Johnson
Mail Stop #2100
245 Murray Lane, SW
Building 410
Washington, DC 20528

Dear Mr. Johnson:

1| 24.3 I write this letter in favor of the selection of the Butner property for the Bio-Defense Facility. I do not want to have a few, well organized, but rude zealots determine the decision making process. I was disappointed by the conduct of my neighbors, and believe
cont.| 1| 24.3 that there are many more of us who believe that this facility would be perfect in this location.

There are no perfect lives. There are no guarantees. All of our public decisions come with
2| 1.0 risks and rewards. If our country's defense needs this kind of research, then it needs to be done. If it needs to be done, it needs to be done in the best location possible. The evaluation of locations found Butner to be the highest scoring location. There are no more dangers to our communities from this research than there are from the work at the Research Triangle Park.

cont.| 1| 24.3 I believe that the benefits to our community from this project far out weigh the potential problems. I believe that there are more of us than you have seen or heard. I hope you will continue to consider the Butner site for the Bio-Defense Facility.

Sincerely,
Rick Brand
Rick Brand

Comment No: 1 Issue Code: 24.3
DHS notes the commentor's support for the Umstead Research Farm Site Alternative.

Comment No: 2 Issue Code: 1.0
DHS notes the commentor's support for the Umstead Research Farm Site NBAF and the proposed research that would be conducted within the facility.

Brandon, Lance

Page 1 of 1

PD0085

August 16, 2008

Yes,

1|25.0 My name is Lance Brandon. I live in [redacted] North Carolina and I do not want this facility to be opened. It is dangerous to our society. It could potentially....it can and will
2|21.0 potentially kill thousands upon thousands of American citizens and destroy a lot of livestock.

3|2.0 It's a very bad idea. It's very un-American. It's very un-Constitutional to bring something like this into our country. It's extremely un-American. If our government really cared about its American citizens, it would have never even thought to do
4|5.0 something like this. This is insanity. Plum Island was bad enough. That was too close. This is even worse. Get a brain. Get a freakin' brain. Have a heart. Care about your citizens for once in your life. This is disgusting. You lied to us - nothing but debauchery and lies for years. And now you want to do this. This is even worse.

I'm a voter and a veteran of a war and I doubt any soldier would want to know that their child is sitting next to a bio defense lab with all kinds of diseases, not even properly contained.

3 cont.|2.0 I can't believe our government is doing this to us. You're sick. You're sick, you're twisted and you all belong in jail.

Bye.

Comment No: 1 Issue Code: 25.0
DHS notes the commentor's opposition to the NBAF.

Comment No: 2 Issue Code: 21.0
DHS notes the commentor's concerns regarding the health and safety of communities and livestock surrounding the NBAF. The NBAF would be designed, constructed, and operated to ensure the maximum level of public safety and to fulfill all necessary requirements to protect the environment. As described in Chapter 3 and summarized in Section 2.5 of the NBAF EIS, the impacts of activities during normal operations at any of the six site alternatives would likely be minor. Section 3.14 investigates the chances of a variety of accidents that could occur with the proposed NBAF and consequences of potential accidents, Accidents could occur in the form of procedural violations (operational accidents), natural phenomena accidents, external events, and intentional acts. Although some accidents are more likely to occur than others (e.g., safety protocol not being followed), the chances of an accidental release are low. Appendix B to the EIS describes biocontainment lapses and laboratory acquired infections. Laboratory-acquired infections have not been shown to be a threat to the community at large. Should the NBAF Record of Decision call for the design, construction, and operations of the NBAF then site specific protocols would be developed, in coordination with local emergency response agencies, that would consider the diversity and density of populations residing within the local area. DHS would have site-specific standard operating procedures and response plans in place prior to the initiation of research activities at the proposed NBAF.

Comment No: 3 Issue Code: 2.0
DHS notes the commentor's opinion. DHS's mission is to study foreign animal and zoonotic (transmitted from animals to humans) diseases that threaten our agricultural livestock and agricultural economy. The goal of NBAF is to prevent these animal diseases from spreading in the United States through research into the transmission of these animal diseases and the development of diagnostic tests, vaccines, and antiviral therapies.

Comment No: 4 Issue Code: 5.0
DHS notes the commentor's opinions regarding the selection of reasonable alternatives for analysis in the NBAF EIS.

Bridges, Meredith

Page 1 of 1

WD0737

From: Meredith Bridges [redacted]
Sent: Monday, August 25, 2008 2:06 PM
To: NBAFProgramManager
Subject: we don't want it

1|25.2 As a citizen of Athens , I want to say that I do not want the NBAF in Athnes, Ga. I don't feel safe with it here and don't lik ethe kind of power and money it will bring to the area. Please do not put it here. If it comes [redacted] I will move away. I really don't want NBAF to move it here. If you still decide to put it in Athens, please put it farther outside of town and not beside the botanical garden. I do NOT want NBAF in Athens and I know many others who are opposed to the idea.

Sincerely,

Meredith Bridges

Comment No: 1 Issue Code: 25.2
DHS notes the commentor's opposition to the South Milledge Avenue Site Alternative.